



MEMORANDUM

Community & Economic Development Department

To: Planning Commission
From: Leigh Crabtree, Associate Planner
Steven Sparks, Planning Manager
Date: September 18, 2013
Subject: DR2013-0040 LD2013-0004 Canyon Fred Meyer Fuel Center
September 25, 2013 Public Hearing Continuance
Staff Response and Packet

The Planning Commission hearing for DR2013-0040 LD2013-0004 Canyon Fred Meyer Fuel Center began on August 28 and was continued to September 25. In response to issues identified by the Planning Commission on August 28, the applicant provided additional information to staff on September 12 and 13.

Please find with this memo a revised Staff Report, an aerial survey of similar site examples, and the applicant's materials submitted on September 12 and 13. Many underlined portions of the attached staff report identify revisions to the original staff report. Below is summary of issues.

Section 40.031 Facilities Review Committee

- A. Transportation: Additional information regarding traffic volumes was provided on September 12.
Fire Protection: TVF&R found the proposal presented to the Planning Commission on August 28, 2013 to be acceptable for fire department access, hydrant availability and water supply.
- C. DRBCP: The applicant provided three examples of properties that they consider similar to proposed Phase II. Staff evaluation continues to raise concerns about the realistic ability to construct the proposed Phase II improvements
- D. Off-Street Parking: Staff continue to be concerned with mix of potential uses for Phase II and the required parking that will be needed to serve the potential uses.
Bicycle Parking: For Phase I, the applicant has proposed a location for the provide two (2) short term and two (2) long term bicycle parking spaces that are required.
- F. The applicant has provided responses to issues raised on August 28th.
- G. The applicant has provided responses to issues raised on August 28th.

Section 40.20.15.3.C Design Review Three Approval Criteria

- 3. Sections 60.05.35 through 60.05.50. Design Standards and Guidelines: As noted in the tables, with Conditions of Approval the proposal will be able to satisfy the applicable provisions of Sections 60.05.35 through 60.05.50.
- 5. DRBCP: The proposal has not demonstrated, "how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP."



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Staff Report

HEARING DATE: Wednesday, August 28, 2013
Wednesday, September 25, 2013

TO: Planning Commission *unc*

FROM: Leigh Crabtree, Associate Planner

APPLICATIONS: **DR2013-0040 and LD2013-0004 (Canyon Fred Meyer Fuel Center)**

LOCATION: 11360 SW Canyon Road and 11425 SW Beaverton-Hillsdale Highway;
between SW Canyon Road and Beaverton-Hillsdale Highway and
between Highway 217 and SW 115th Avenue;
Assessor's Map 1S1 15AB, Tax Lots 00500 and 01100

ZONING: Regional Center – East (RC-E)

NAC: Central Beaverton Neighborhood Association Committee

REQUEST: The applicant requests approval of a Replat Two in order to add 12,035 square feet to Tax Lot 500 from a portion of Tax Lot 1100, which is between Highway 217 and Tax Lot 500. The applicant also requests approval of a Design Review Three to construct a new fuel center consisting of seven (7) multi-product dispensers for a total of 14 fueling positions in eight (8) lanes in Phase I and a future 15,800 square foot retail and office building in Phase II.

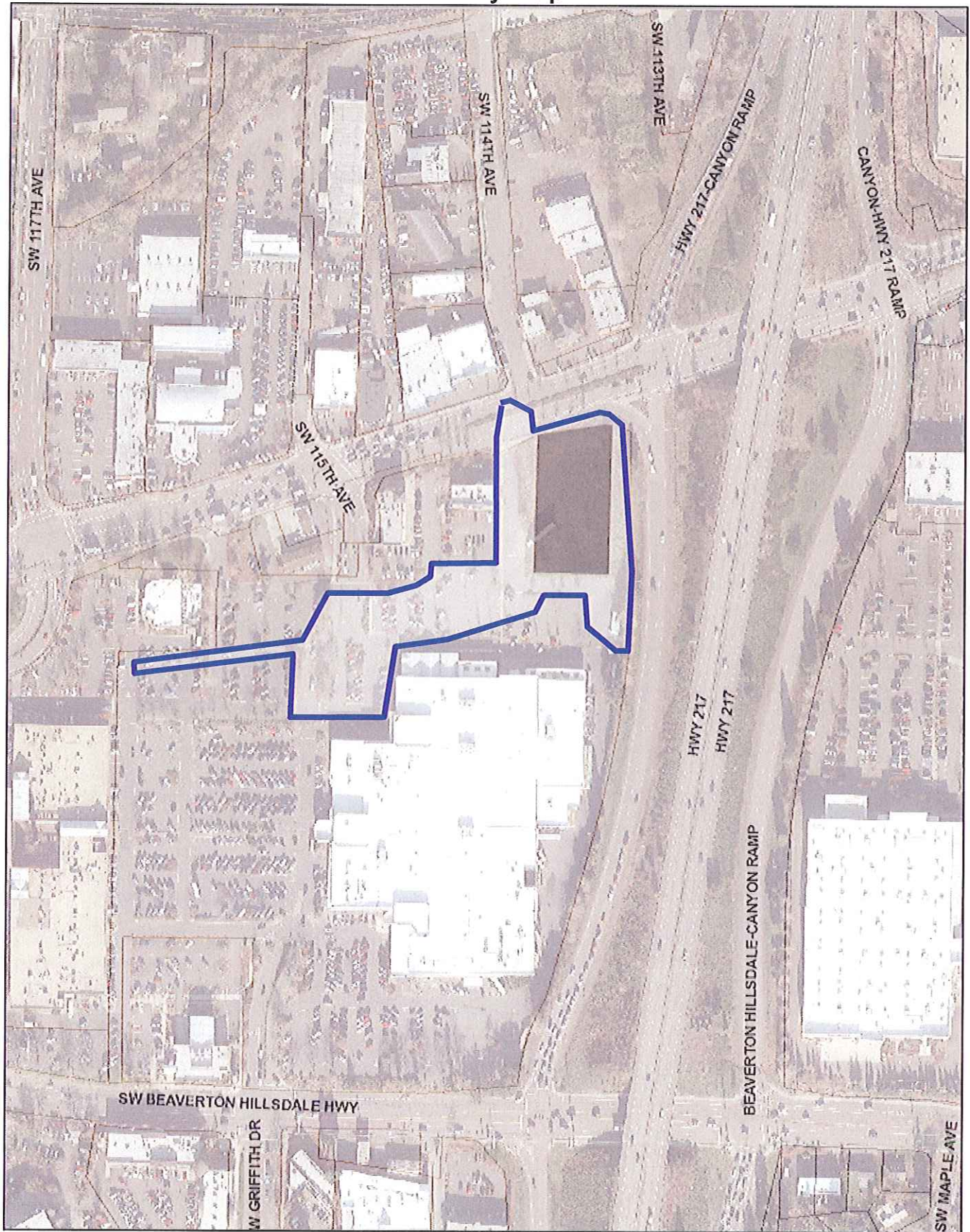
APPLICANT: Fred Meyer Stores
Attn: Jim Coombes
3800 SE 22nd Avenue
Portland, OR 97202

APPLICANT REPRESENTATIVE: Barghausen Consulting Engineers, Inc.
Attn: Joel Howitt
18215 72nd Avenue South
Kent, WA. 98032

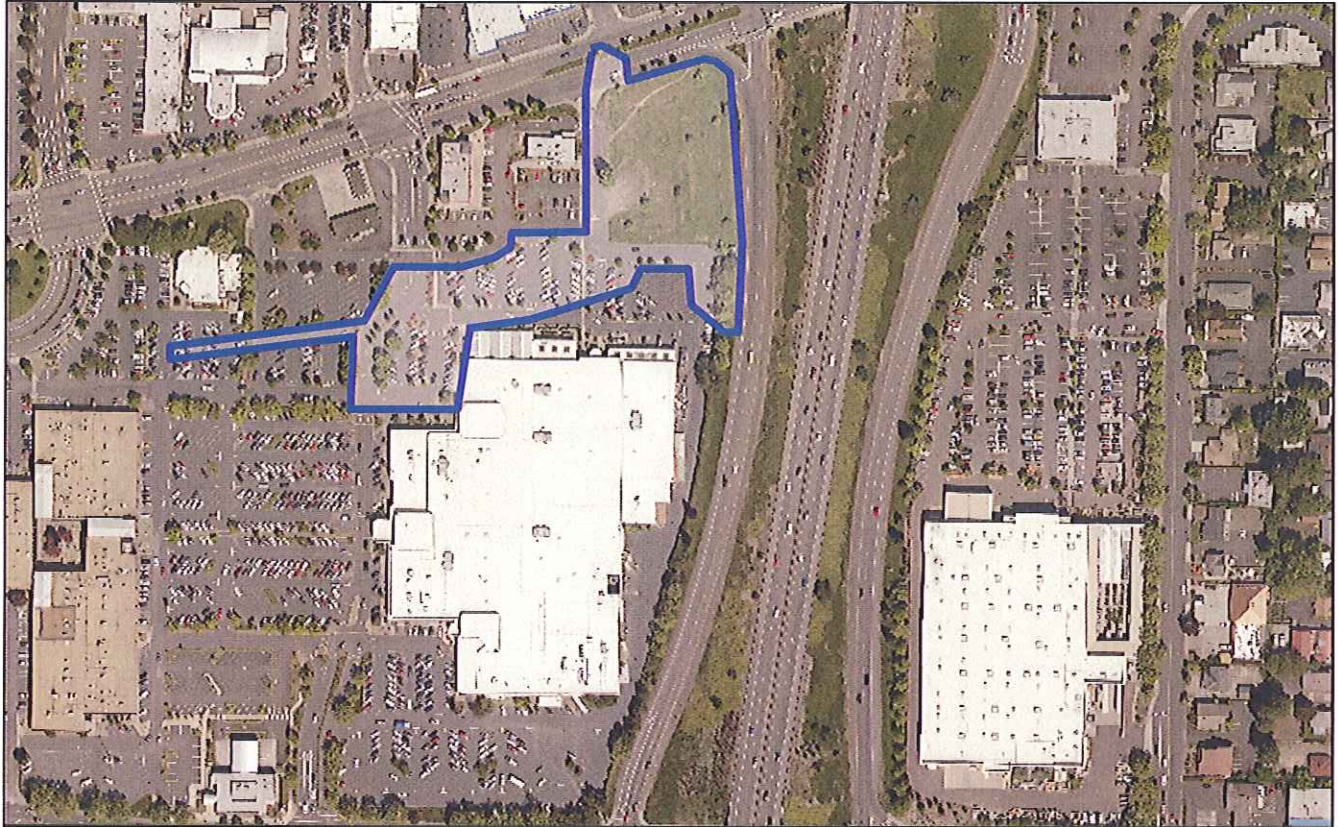
APPROVAL CRITERIA: Design Review Three, Development Code, Section 40.20.15.3.C
Land Division - Replat, Development Code Section 40.45.15.3.C
Ordinance 2050, Development Code effective through Ordinance 4487

RECOMMENDATION: **DENIAL of DR2013-0040 (Canyon Fred Meyer Fuel Center, DRBCP)**
APPROVAL of LD2013-0004 (Canyon Fred Meyer Fuel Center, Replat)

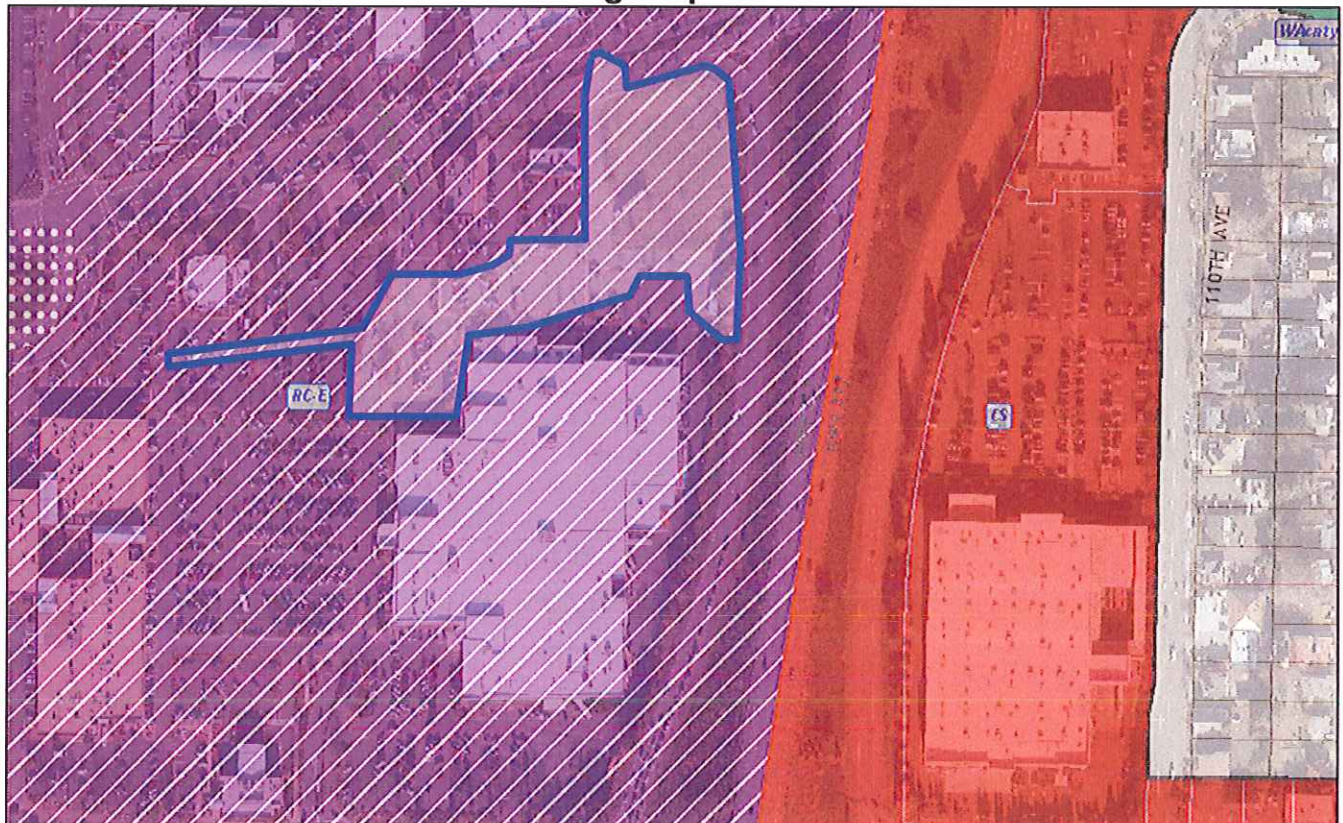
Vicinity Map



Aerial Map



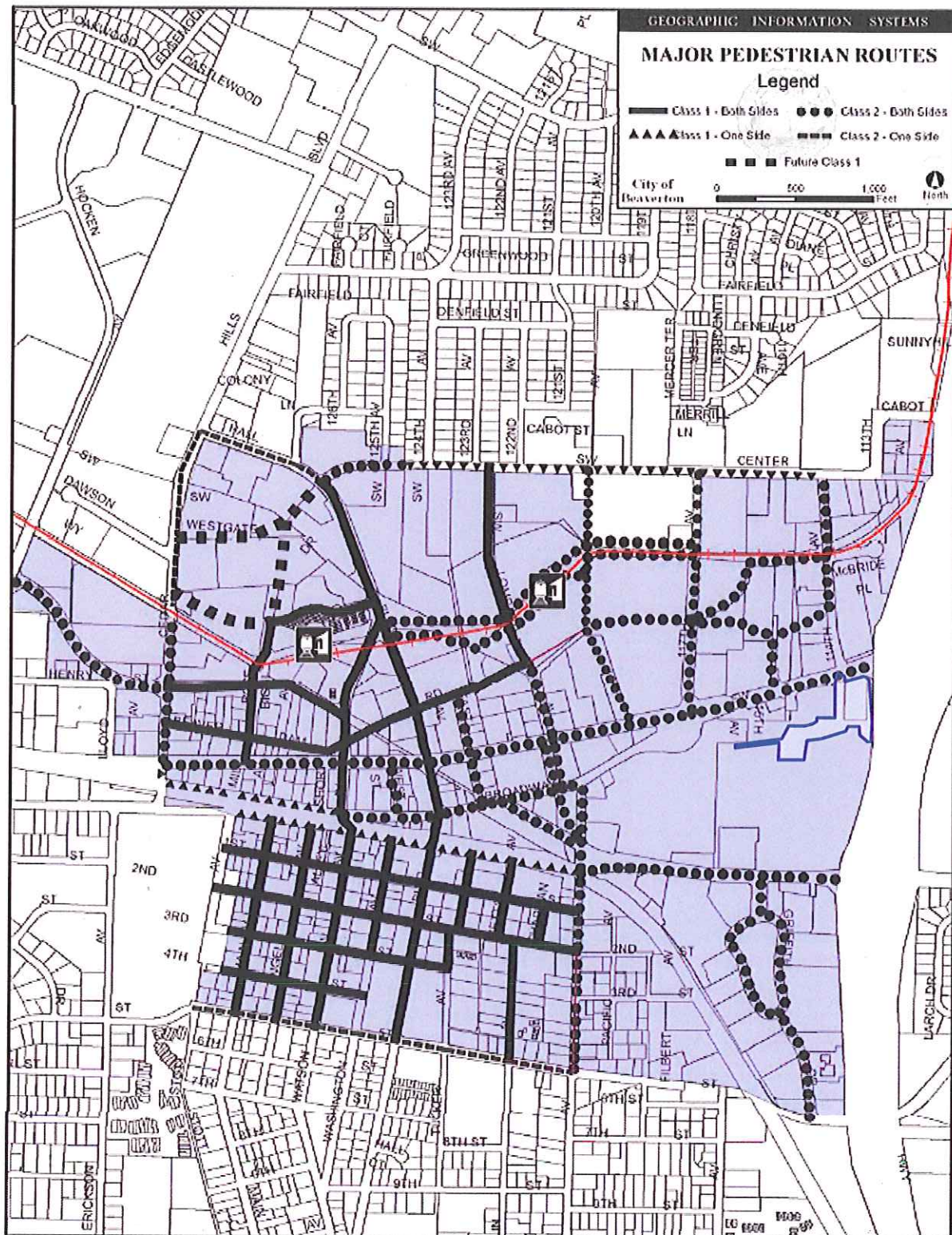
Zoning Map – RC-E



Major Pedestrian Routes

60.05.55. Major Pedestrian Route Maps.

60.05.55.1. Regional Center



BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Deemed Complete	Continuance	Day 120
DR2013-0040	April 17, 2013	June 26, 2013	<u>42 days total</u>	<u>December 5, 2013</u>
LD2013-0004	April 17, 2013	June 26, 2013	<u>42 days total</u>	<u>December 5, 2013</u>

Existing Conditions Table

Zoning	Regional Center - East (RC-E)	
Current Development	Vacant	
Site Size & Location	<p>The site is generally located at the southwest corner of SW Canyon Road and Highway 217 and can be specifically identified as Tax Lots 00500 and 01100 on Washington County Tax Assessor's Map 1S115AB.</p> <p>Per the applicant's documentation, the site area for the fuel center includes 40,671 square feet (all of Tax Lot 00500) and 12,035 square feet (a portion of Tax Lot 01100) for a total proposed area of 52,706 square feet.</p> <p>The proposal also includes modifications to portions of Tax Lot 01100.</p>	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u> North: <i>Regional Center - East</i> South: <i>Regional Center - East</i> East: <i>Regional Center - East</i> <i>Community Service</i> West: <i>Regional Center - East</i>	<u>Uses:</u> North: Retail Sales South: Retail Shopping Center East: Highway 217 Retail / Service West: Retail Sales and Restaurant

SUMMARY

The applicant proposes to construct a new fuel center consisting of seven (7) multi-product dispensers for a total of 14 fueling positions in eight (8) lanes. The dispensers will be under a 53 foot by 129 foot canopy. An eight (8) foot by 30 foot building housing a cashier's kiosk and restroom is proposed and is partially covered by the proposed canopy. The project also includes parking to accommodate employees. Access to the fueling center is proposed via a right-in only access from Canyon Road, immediately west of the project site, as well as access through the retail shopping center property, inclusive of the internal access aligning with 115th Avenue. The applicant also requests a Replat to adjust the property line between the two parcels, adding a 12,035 square foot strip of land located between Highway 217 and Tax Lot 500 from Tax Lot 1100.

The request consists of two applications: Land Division for Replat and Design Review 3. The Land Division application will review the proposed Property Line Adjustment in relation to utilities, access, easements, and other issues applicable to land divisions. The Design Review 3 application will review the building design, parking lot design, lighting, landscaping, and other associated design elements to applicable design standards and guidelines.

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Attachment D	Conditions of Approval, LD213-0004 If the Planning Commission approves the proposed Replat Two, staff recommends the conditions identified in Attachment D	LD COA 1
Attachment E	Conditions of Approval, DR2013-0040 If the Planning Commission approves the proposed Design Review Build Out Concept Plan, staff recommends the conditions identified in Attachment E.	DR COA 1 - 7
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**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Canyon Fred Meyer Fuel Center
DR2013-0040 and LD2013-0004**

The applicant submitted a complete application on June 26, 2013. The Facilities Review Committee conducted technical review of the June 26, 2013 application package for the Facilities Review Meeting on July 24, 2013. The applicant submitted revised plans on August 5, 2013 based upon committee feedback. The applicant submitted a third set of plans on August 20, 2013 based upon further staff feedback. The applicant submitted additional plans and documentation through the initial hearing date of August 28, 2013. The applicant submitted a fourth set of plans and documentation on September 12 and 13, 2013 based upon Planning Commission feedback. The facts and findings below are based upon the most recent version of each form of documentation provided by the applicant as of September 13, 2013.

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. The decision-making authority will determine whether the application, as presented, meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the application as identified below:

- All eleven (11) criteria are applicable to the submitted Design Review application, DR2013-0040, and the submitted Replat application, LD2013-0004.
- All eleven (11) criteria are applicable to the submitted Replat application, LD2013-0004.

40.03.1

- A. *All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.*

Critical facilities and services, as defined by Chapter 90 of the Development Code, include public water, public sanitary sewer, storm water drainage, treatment, and detention, transportation, and fire protection.

Public water

Water service is provided by the City of Beaverton and is available through a 12-inch water main in the SW Canyon Road right-of-way. A 12-inch diameter public water line connection must be installed between the 12-inch Canyon Road water line and the onsite public water line south of the proposed fuel station. The available service has sufficient capacity to serve the proposed development.

Public sanitary sewer

The City of Beaverton provides sewer service through an 8-inch sewer main in the SW Canyon Road right-of-way. The available service has sufficient capacity to serve the proposed development.

Storm water drainage, treatment, and detention

The City of Beaverton provides storm water drainage to the site through a manhole connection to a line on the west side of Tax Lot 1100, south of the Olive Garden Restaurant. The applicant has submitted a preliminary drainage report, included in the application materials. The Committee has found the report and associated utility plans are adequate in addressing the site's on-site surface water management.

To ensure appropriate design and construction of critical facilities including but not limited to utility connections, access to manholes and structures, maintenance requirements, and associated construction and utility phasing plans, the Committee recommends conditions of approval through both the Land Division and Design Review applications.

Transportation

The site is located along the south side of Canyon Road, the west side of Highway 217, with access to SW 115th Avenue. City's Comprehensive Plan classifies SW Canyon Road as an Arterial, Highway 217 as a Freeway, and SW 115th Avenue as a Future Collector.

The application included a Traffic Impact Assessment (TIA), dated March 13, 2013, and a letter response to Planning Commission, dated September 11, 2013, which were prepared by Group Mackenzie. City Transportation staff has reviewed the TIA and letter and have provided the following responses:

Intersection site distance. Staff concurs with the TIA that intersection site distance is met. Staff will verify site distance during site development permit review.

Truck circulation. Oregon Department of Transportation staff did not cite any concern with turn movements at the 115th Avenue/Canyon Road intersection. The truck turning diagrams show that the trucks can safely and efficiently enter and exit the site with the proposed drive aisle modifications. No mitigation measures are recommended.

Intersection operations. The existing queue storage for the westbound Canyon Road left/U-turn lane approaching SW 115th Avenue currently has 140 feet of storage. Existing queue demand to the Fred Meyer site is 225 feet, and post 2013 development, the demand is 250 feet. To mitigate queue storage spillover safety issues caused by the existing and new traffic staff recommends, as a condition of approval, that the applicant shall extend the existing left turn lane queue storage approach to SW 115th Avenue from 140 feet to between 225 feet and 250 feet. The final distance shall be determined by City staff in consultation with ODOT staff during site development permit review.

Crash analysis. According to ODOT Safety Priority Index System data, the high incidence rate of crashes at Beaverton-Hillsdale Highway/Highway 217 Northbound Ramp indicate a pattern of turning movement type crashes between northbound through-moving vehicles and northbound left-turning vehicles. ODOT is aware of this issue and a safety improvement is planned as part of the SPIS system. ODOT staff does not find that the proposal intensifies that crash incidences at this location, therefore no mitigation measures are recommended.

Fire protection

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. Preliminary comments and conditions of approval have not been received from Tualatin Valley Fire and Rescue District (TVF&R). TVF&R found the proposal presented to the Planning Commission on August 28, 2013 to be acceptable for fire department access, hydrant availability and water supply. TVF&R will also review the plans prior to site development or

building permit issuance for continuity with the initial proposal and other relative fire safety related issues.

With the recommended conditions of approval, this proposal will provide required critical facilities, thereby meeting this criterion for approval.

FINDING:

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets this approval criterion.

- B. *Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.*

Essential facilities and services, as defined by Chapter 90 of the Development Code, include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way.

Schools.

Beaverton School District has not provided comments on this proposed development.

Transit improvements

Tri-Met provides bus service along Canyon Road, east of the intersection with 115th Avenue, which is approximately 300 feet west of the subject site. East-bound bus service is on the south side of Canyon Road and west-bound service is on the north side of Canyon Road. The proposed improvements to the site will provide pedestrian access to Canyon Road and, thus, access to transit service.

Police protection

The site will be served by the Beaverton Police Department for public safety. The Police Department did not provide comments or recommendations to the Facilities Review Committee.

On-site pedestrian and bicycle facilities in the public right-of-way

Along the south side of Canyon Road, the sidewalk is proposed to be maintained or increased in width to 10 feet wide with connections to the internal portion of the site via 5 foot wide sidewalks. Bike lanes are currently available on Canyon Road and no changes have been proposed within the public right-of-way.

With the recommended conditions of approval, this proposal will provide required essential facilities, thereby meeting this criterion for approval.

FINDING:

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets this approval criterion.

- C. *The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).*

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Regional Center – East (RC-E) zone as applicable to the above mentioned criteria. As demonstrated on the chart, with approval of the concurrent Land Division application, the development proposal meets the site development standards except for the maximum front yard setback and Floor Area Ratio (FAR), which has been deferred to Phase II development of the subject site. Staff will provide findings for the applicable Design Review Build-out Concept Plan approval criteria within the Design Review staff report and findings for the applicable Land Division application within the Land Division staff report.

Nevertheless, staff are concerned with the ability of the resulting development and project site to satisfy the Floor Area Ratio and maximum setback requirements of Chapter 20. The primary concern is the realistic ability of the proposed Phase II development to be constructed and operated given the circulation patterns established by the proposed fueling center. Staff are unable to find that this proposal is consistent with the requirements of Chapter 20 as designed. However, there may be design solutions which will address staff concerns.

At the Planning Commission hearing on August 28, 2013, commissioners requested that the applicant provide realistic examples of businesses that thrive under the same conditions of two-story construction, parking, access, circulation, and fuel center conflict, similar to the applicant's proposal. The applicant provided three examples to staff on September 12, which are included in the packet. The three examples include:

- South Bridgeport Village Retail/Office in Tualatin, Oregon
- Retail, Office, and Fuel in Snoqualmie, Washington, and
- Fred Meyer Fuel Center and Retail/Office Building, Puyallup, Washington.

These examples are evaluated with the Design Review Build-out Concept Plan approval criteria. The staff evaluation continues to raise concerns about the realistic ability to construct the proposed Phase II improvements. As a result, staff are not able to make a positive finding to this approval criterion.

FINDING:

Therefore, the Committee finds that the proposal as designed does not meet this approval criterion.

- D. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.*

Design Review Requirements (Section 60.05)

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff will provide findings for the applicable Design Review Standards, Code Section 60.05 within the Design Review section of the staff report.

Habitat-Friendly and Low Impact Development Practices (Section 60.12)

Although the site does not contain any designated Habitat Benefit Areas, it is eligible to participate in the Low Impact Development programs. These are voluntary and the applicant has not requested to use any of the potentially allowed credits.

Off-Street Parking Requirements (Section 60.30)

Within the RC-E zone, special standards for the required amount of off-street parking spaces apply.

Motor Vehicle. In Phase I, the applicant is proposing five (5) vehicle parking spaces, four (4) standard and one (1) ADA, to accommodate employees and potential customer needs; no parking is required for Minor Automotive Services.

In Phase II, the applicant is proposing 18 vehicle parking spaces, 17 standard and one (1) ADA, with the intent that future proposals for Phase II will include a Shared Parking application with the Fred Meyer store. If Phase II is proposed as suggested by the DRBCP application, under current Code standards, the future applicant would need to show how 45 parking spaces for retail and office space may be accommodated on site with potential transit reductions, a shared parking agreement, or both. Additionally, a future Shared Parking application would be required to satisfy the approval criteria found in Section 40.55.15.2 of the Development Code, inclusive of criterion 5, which states, "The time of peak parking demand for the various uses located on the subject properties occur at different times of the day." The Fred Meyer store operates from 7:00 a.m. to 11:00 p.m.

The applicant has submitted correspondence from the owner of the Fred Meyer store lot which indicates the owner's willingness to provide parking for the proposed Phase II development. While this correspondence is helpful, the inability to provide parking within immediate proximity to the future phase will adversely affect the ability of the future phase to be developed.

The applicant has submitted information to staff that states, "The store parking lot currently provides 923 parking stalls. Approximately 26 stalls will be removed to accommodate the parking lot revisions for a total of 897 stalls provided. The minimum code requirement of 3.0 stalls per 1,000 GSF requires 627 stalls for the 208,501-square-foot Fred Meyer retail store." The proposal does not exceed the maximum parking ratio for the proposed use.

Bicycle. For Phase I, the applicant is required to provide two (2) short term and two (2) long term spaces and has proposed a location in which to provide the required bicycle parking. However, the applicant has not provided details for installation of the bicycle facilities as required by the Engineering Design Manual. For Phase II, the applicant does not depict bicycle parking, but future application will most likely be required to provide four (4) short term and four (4) long term spaces when it is reviewed in the future.

Phase I of the applicant's proposal meets the requirements for off-street motor vehicle and bicycle parking. However, the applicant proposes deferring satisfaction of the parking requirements for Phase II until future review of the specific design of Phase II, which will be required through as a condition of approval.

Sign Regulations (Section 60.40)

Any proposed signage will need to be reviewed under a separate sign permit application.

Transportation Facilities (Section 60.55)

City Transportation staff has provided the following responses:

Traffic. Please see Section A of this report.

Street, Bicycle, and Pedestrian Connections. The proposal shows a pedestrian connection to the on-site pedestrian circulation system, which connects to Canyon Road. The proposal shows widening of the existing sidewalk along the Canyon frontage to a consistent 10 feet

wide to meet Development Code standards. Existing bike lanes are located on Canyon along the project frontage. No new street or bicycle connections are proposed. The Beaverton Comprehensive Plan indicates a planned extension of 115th Avenue from Canyon Road to Farmington Road; however, the proposal does not indicate an improvement to this planned facility. No additional connections are recommended.

Street Width. The existing right of way width along the Canyon Road frontage meets ODOT's planned arterial design. No right of way dedication is proposed or recommended.

Access. Please see Section A of this report.

Transit. TriMet's No. 58 bus route serves the site. 58-Canyon Rd runs between Beaverton, SW Portland, West Slope, Sylvan, Goose Hollow and Portland City Center, along Canyon Road, Sunset Highway and Columbia/Jefferson. No new transit facilities are proposed or recommended.

Trees and Vegetation Requirements (Section 60.60)

There are no Protected Trees on the site. One Community Tree and an undetermined number of Landscape Trees will be removed as part of the project per the proposal. The Landscape Trees proposed for removal total an unknown dbh total. The applicant proposes planting an undetermined number of trees for an unknown dbh total. Staff does not have enough information to make positive findings.

Utility Undergrounding (Section 60.65)

All of the utilities that will serve the site will be placed underground to comply with the standards. To meet the requirements of Section 60.65, staff recommends a standard condition of approval requiring that utility lines are placed underground.

Staff are concerned with the proposal's ability to satisfy all applicable provisions of Chapter 60 and are unable to make positive findings, specifically for Off-Street Parking.

At the August 28, 2013 Planning Commission hearing, the commissioners raised issues and requested additional information or clarification. Below is a list of specific issues with staff's review of the applicant's most recent submittal:

1. re-run parking calculations for different uses

Applicant's Response: Following is a breakdown of three parking scenarios for the Phase II building. The concept Phase II site plan provides 23 parking stalls onsite and could share surplus parking with the Fred Meyer store for the remaining required stalls via a shared parking agreement.

Code Standards:

- Retail / service minimum is 3 per 1,000 square feet
- Office minimum is 2.7 per 1,000 square feet
- Fuel minimum is 1 per employee (4 total)

Scenario 1: 50% Retail / 50% Office

1. Grand total required: 36 stalls (with 30% reduction)
2. Shared parking required: 13 stalls

Scenario 2: 100% Office

1. Grand total required: 30 stalls (with 30% reduction)
2. Shared parking required: 10 stalls

Scenario 3: 25% Retail / 75% Office

1. Grand total required: 31 stalls (with 30% reduction)
2. Shared parking required: 11 stalls

As proposed, Phase I and Phase II together provide 23 parking stalls on site; five (5) stalls are proposed for Phase I and another 18 stalls are proposed for Phase II. The applicant's scenarios, above, include assumed approval of a 30 percent reduction to the required vehicle parking standards with review of Phase II. The assumed reduction and design of amenities that would allow for the reduction per Section 60.30.10.11 of the Development Code are not proposed with this application.

At the August 28 hearing, the applicant discussed with the Planning Commission potential for Medical and Dental Clinics. Medical and Dental Clinics, Eating and Drinking Establishments, Service Businesses, and Retail uses are present in the 'realistic examples of businesses that thrive under the same conditions of two-story construction' provided by the applicant. In order to capture the range of uses present in the examples, staff present the applicant's scenarios without reduction and additional scenarios for consideration:

Section 60.30.10.5.A Parking Ratio Requirements:

- Retail, Banks, and Services: 3.0 spaces per 1,000 square feet
- Offices: 2.7 spaces per 1,000 square feet
- Medical, Dental Clinics: 3.9 spaces per 1,000 square feet
- Eating and Drinking Est.
 - Other... in all other zones: 10.0 spaces per 1,000 square feet

Scenario 1: 50% Retail / 50% Office

1. Minimum spaces required: 45 = 24 + 21 (32 with 30% reduction)
2. Remaining after 18: 27 (14 with 30% reduction)

Scenario 2: 100% Office

3. Minimum spaces required: 43 (30 with 30% reduction)
4. Remaining after 18: 25 (12 with 30% reduction)

Scenario 3: 25% Retail / 75% Office

3. Minimum spaces required: 44 = 12 + 32 (31 with 30% reduction)
4. Remaining after 18: 26 (13 with 30% reduction)

Scenario 4: 50% Office / 50% Medical, Dental Clinics

1. Minimum spaces required: 52 = 21 + 31 (36 with 30% reduction)
2. Remaining after 18: 34 (18 with 30% reduction)

Scenario 5: 25% Service Businesses / 25% Office / 50% Medical, Dental Clinics

1. Minimum spaces required: 54 = 12 + 11 + 31 (38 with 30% reduction)
2. Remaining after 18: 36 (20 with 30% reduction)

Scenario 6: 100% Medical, Dental Clinics

1. Minimum spaces required: 62 (43 with 30% reduction)
2. Remaining after 18: 44 (25 with 30% reduction)

Scenario 7: 25% Eating and Drinking Est. / 25% Service Businesses / 50% Office

1. Minimum spaces required: 73 = 40 + 12 + 21 (51 with 30% reduction)
2. Remaining after 18: 55 (33 with 30% reduction)

Scenario 8: 30% Eating and Drinking Est. / 20% Service Bus. / 50% Medical, Dental		
1. Minimum spaces required:	88 = 47 + 10 + 31	(62 with 30% reduction)
2. Remaining after 18:	70	(44 with 30% reduction)

The potential combination of uses for Phase II results in a variety of scenarios and related motor vehicle parking requirements. The applicant proposes 18 parking spaces for Phase II. Therefore, any scenario that results in a motor vehicle parking requirement of 36 spaces or more also results in 50 percent or more of the required parking located off site. All of the scenarios presented above require more than 50 percent of the parking off site without an approved parking reduction. Scenario 8 results in 80 percent of the required parking off site without an approved parking reduction.

2. Bicycle Parking: design into the plan

Applicant Response: Bicycle parking has been added per code standards to the enclosed site plan.

The proposed bicycle parking location for Phase II is depicted on the applicant's Detailed Site Plan, sheet DD-2. The parking location is on the west side of the site between the fuel lanes and the sidewalk where a pedestrian connection has been proposed. The proposed location will result in a reduction in the amount of proposed landscape area, which is not reflected in the Landscape Plan. No further details are provided regarding how the proposed bicycle parking will satisfy the requirements of Section 60.30.10.B.; however, the Engineering Design Manual details can be deferred to Site Development permit review. No bicycle parking is depicted or noted for Phase II.

3. Shared Parking Agreement: Deed Restriction recorded at County; may be provided as a COA?

Applicant Response: Noted. We will address this comment at the continuance hearing.

Staff recommends that the applicant state the intention for shared parking and provide a draft Covenant, Code, and Restriction (CC&R), acceptable to all parties, in the record as a part of the current application.

If the Planning Commission approves the Design Review application, staff has prepared Conditions of Approval related to recordation of CC&Rs for shared use of property with both the Design Review and Land Division applications.

FINDING:

Therefore, the Committee finds that the proposal as designed does not meet this approval criterion.

- E. *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.*

The applicant states that all private common facilities located on the parcel will be maintained by The Kroger Company (Fred Meyer). The proposal as represented does not appear to present

any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure of facilities on site.

With the recommended conditions of approval, this proposal will be able to be maintained, thereby meeting this criterion for approval.

FINDING:

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets this approval criterion.

- F. *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.*

The proposed vehicular circulation pattern within the boundaries of the site is designed with vehicle movement from north to south through the fueling lanes. Vehicle access into the site for Phase I and the proposed concept Phase II retail/office building parking lot will rely on an entrance along the western property line or from the southeastern corner of the site along the eastern property line. All vehicles will be directed to exit to the south either through or beside the fueling lanes.

The proposed pedestrian circulation pattern includes one 5-foot internal pedestrian north-south sidewalk along the west side of the site. This north-south sidewalk connects stubs to the vehicle circulation area in Phase I and to pedestrian connections/sidewalks in the concept for Phase II. Five (5) parking stalls are proposed for Phase I adjacent to Phase II, north of the drive aisles, with no internal pedestrian connections proposed from the parking spaces to the fueling islands. The applicant has stated that the pedestrian crossings will be clearly delineated with striping and warning signs.

As part of the Phase II concept, the applicant depicts a north-south pedestrian connection/sidewalk along the east side property line. This connection would require the removal of landscaping that is proposed for Phase I. Landscaping along the east property line should serve as a screen for headlights from the subject site shining into traffic flow on the Highway 217 frontage road.

Please also see Transportation staff responses in sections A and D of this report.

Staff are concerned with the ability of the resulting development and project site to satisfy this criterion. The main concerns include (1) reliance of the proposed Phase II development on access through the fueling station given the circulation patterns established by the proposed fueling center, (2) exiting of the fueling lanes into the retail store drive aisles, and (3) the lack of marked pedestrian connections internal to Phase I. Staff are unable to find that this proposal provides for safe and efficient vehicular and pedestrian circulation patterns. However, there may be design solutions which will address staff concerns.

At the August 25, 2013 Planning Commission hearing, commissioners discussed pedestrian and motor vehicle circulation issues. Their discussions centered on safe and efficient circulation, with sensitivity to pedestrian safety and circulation. Below is a list of specific issues with staff's review of the applicant's most recent submittal:

1. Pedestrian conflicts through/along fuel center to potential shared parking location, concern with 5' wide sidewalks

Applicant's Response: Raised sidewalks will be provided along both sides of the site. Crossings will be clearly marked as shown on the enclosed circulation exhibits. 5' sidewalks are common along City streets and within shopping centers.

Pedestrian pathways are shown with a different material, pattern, or color providing distinction and visual cue. Five foot wide sidewalks are the Code minimum.

2. Pedestrian – clear and safe walkability

Applicant Response: Pedestrian walkways along major drive aisles will be raised and protected with adjacent landscaping. Crossings will be located at stop controlled intersections with clear markings for safety. Sidewalks will follow along the sides of major aisles and will not meander out of sight of motorists.

All intersections are stopped controlled to allow for vehicles to better identify and to allow for safe pedestrian crossing.

3. creating a destination in one corner with limited access

Applicant Response: Please see the enclosed circulation exhibits. We will address this comment in more detail at the continuance hearing.

The applicant provided additional documentation regarding on-site circulation.

4. October to December issues, Traffic Count clarification

Applicant Response: Please see the enclosed analysis by Group Mackenzie.

The applicant provided additional documentation regarding Fred Meyer specific counts. The City Traffic Engineer and ODOT staff accept the traffic count methodology

5. Fuel Center, with the number of vehicles exiting and placement of the kiosk, address potential for accidents in the private drive aisle

Applicant Response: Please see the enclosed circulation exhibits. We will address this comment in more detail at the continuance hearing.

The stop bar will be required to meet Engineering Design Manual standards with Site Development Review.

6. Fuel Center signage and stop bar, comment provided that the stop bar looks like a pedestrian path, provide better visual cues

Applicant Response: Please see the enclosed circulation exhibits for clarity of stop bars and pedestrian paths.

The stop bar will be required to meet Engineering Design Manual standards. This will be reviewed during Site Development permit review.

7. more directional signage, 'Do Not Enter' 'One Way' 'Stop'; place 'Do Not Enter' signs on northerly two exiting aisles from Burger King

Applicant Response: Please see the enclosed circulation exhibits to clarify the proposed directional signage plan.

Staff did not identify "Do Not Enter" signs at the two northerly Burger King exits on the submitted plans.

8. east-west drive aisle to 115th, long stretch of private drive to a destination can be dangerous

Applicant Response: The drive aisle is not substantially longer or shorter than other drive aisles within the same development. The straightening of the drive aisle will provide better sight visibility for motorists.

Low speed traffic will be contained on-site.

9. east-west drive aisle to 115th, egress queue stacking

Applicant Response: Please see the enclosed analysis by Group Mackenzie

East-west egress queue stacking at the 115th intersection does not pose a safety risk.

10. analysis to include evaluation of potential customer use of loading area drive along east side of property, behind Fred Meyer store

Applicant Response: Please see the enclosed analysis by Mackenzie

The applicant states that signage will be provided to discourage drivers from using this area. Staff did not identify this signage on the plans provided by the applicant.

11. site distances

Applicant Response: Please see the enclosed analysis by Mackenzie

The City does not have site distance standards for on-site parking lot drive aisles. The applicant did not provide any site distance calculations citing that slow speed on-site traffic should not be an issue and that removing parking and landscaping would actually induce travel at higher speeds.

At the August 25, 2013 Planning Commission hearing, the commissioners also discussed the following outstanding issues and requested additional information or clarification:

12. Delivery Truck Circulation

- Fuel truck circulation into and through FM store site

Applicant Response: Fred Meyer has a division that is responsible for scheduling deliveries to the store. The division will continue to coordinate fuel deliveries to minimize conflict with store deliveries. We will address the comment in further detail at the continuance hearing. Circulation for the fuel truck will follow the same path of the larger store delivery trucks.

A delivery schedule was provided by the applicant. The schedule lists deliveries occurring between 7:00 p.m. and 9:00 a.m.

- Fuel truck and FM store delivery truck conflicts at underground storage tanks; the response to this issue at the hearing included a description of FM logistics, could you provide a present delivery schedule for the store as an example of how Fred Meyer currently deals with delivery logistics?

Applicant Response: A response to the comment is currently being prepared and will be delivered under separate correspondence.

A delivery schedule was provided by the applicant. The schedule lists deliveries occurring between 7:00 p.m. and 9:00 a.m.

FINDING:

Therefore, the Committee finds that the proposal as designed does not meet this approval criterion.

- G. *The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.*

The vehicular circulation system to the fuel center is designed for entrance access from the Canyon Road right-in only access abutting the parcel along the western property line and the southeastern corner of the parcel from the larger Fred Meyer store site. Exiting the site, vehicular traffic will be directed to exit via the southern edge of the parcel.

The applicant has proposed modification of the right-in only access into store parking lot. The modifications include closing a two-way access along the southern edge of the parking associated with the Burger King restaurant and providing a north-bound lane for accessing the proposed fuel center and the future Phase II development. The proposed site modification south of the Burger King parking area may result in added congestion for customers of the businesses immediately to the west of the proposed fueling center.

The exiting pattern requires vehicles to rely on the modified Fred Meyer store parking lot design to leave the site via 115th Avenue or other connected drive aisles. The modified store parking lot design includes widening of the 115th driveway to four lanes from two and shifting the east-west traffic flow to be in line with the drive aisle immediately south of the fuel center. In modifying the 115th driveway, one aisle access remains along the curves between two four-way internal intersections on the west side, which the applicant has stated in a letter to staff that, "adequate sight distance is currently provided."

The vehicle circulation pattern will require vehicles to leave the fuel center site via the 115th driveway, which connects to the controlled intersection at SW 115th and Canyon Road and other drive aisles that allow for exiting of the site. These exiting options will provide connections to the surrounding circulation systems to the north, west, and east.

The delivery truck access to the fueling center and the Fred Meyer store loading dock are of concern to staff. Potential turning conflict onto 115th and potential conflict between fuel delivery trucks and store delivery trucks are of particular concern.

The proposed pedestrian system includes a 5-foot internal pedestrian access from Canyon Road through the site to the Fred Meyer store, connecting the proposed 10-foot-wide sidewalk along SW Canyon Road to the existing pedestrian circulation system on the Fred Meyer store site. The applicant has stated that the pedestrian crossings will be clearly delineated with striping and warning signs.

Please also see Transportation staff responses in section D of this report.

Staff are concerned with the ability of the resulting development and project site to satisfy this criterion. The main concerns include (1) circulation of vehicular traffic associated with the free-standing retail uses to the west of the fueling center and (2) potentially unsafe delivery vehicle traffic patterns and movement conflicts. Staff are unable to find that this proposal provides for safe and efficient vehicular and pedestrian circulation patterns. However, there may be design solutions which will address staff concerns.

At the August 25, 2013 Planning Commission hearing, commissioners discussed pedestrian and motor vehicle circulation issues. Their discussions centered on safe and efficient circulation, with sensitivity to pedestrian safety and circulation. Below is a list of specific issues with staff's review of the applicant's most recent submittal:

1. Pedestrian - include sidewalk along the length of the 115th driveway to connect the two four-way stops

Applicant Response: An exhibit is enclosed that adds the sidewalk per the Planning Commission's comments. This exhibit is provided as an alternative to the original sidewalk in front of the store and away from the busier intersection at the south end of the proposed 115th improvements. Fred Meyer is agreeable to both design alternatives.

The applicant has provided an 'Alternate Sidewalk Exhibit' for review. The sidewalk is proposed curb-tight to the driveway and will require revisions to the proposed Landscape Plan. The applicant has not provided a proposed Landscape Plan representative of the alternative nor revised landscape calculations.

2. analysis to include right-in right-out driveway from Canyon Road along the west side of property, east of Olive Garden Restaurant

Applicant Response: Please see the enclosed analysis by Mackenzie

The revised analysis accounts for the driveway near the Olive Garden. Intersections continue to function within acceptable operating standards.

3. Canyon Road access, no back-up onto Canyon

Applicant Response: Please see the enclosed analysis by Mackenzie

The applicant has provided a response to this issue.

FINDING:

Therefore, the Committee finds that the proposal as designed does not meet this approval criterion.

- H. *Structures and public facilities and services serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.*

Preliminary comments and conditions of approval have not been received from Tualatin Valley Fire and Rescue District (TVF&R). Specific details regarding fire flow and hydrant placement will be reviewed for flow calculations and hydrant locations during site development and building permit stages.

The City of Beaverton's Building Division has submitted comments in response to the proposed development plan. Building Division comments are included in the conditions of approval.

With the recommended conditions of approval, this site can be designed in accordance with City codes and standards and provide adequate fire protection, thereby meeting this criterion for approval.

FINDING:

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets this approval criterion.

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.*

The SW Canyon Road right-of-way is served by existing street lights. By meeting the City of Beaverton's Engineering Design Manual design standards for street lights, the Committee finds that the street illumination system will provide adequate protection from crime and accident. Matters of lighting will be discussed further within the Design Review staff report, as lighting relates to private drives and private common open space.

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development. The conditions of approval stated at the end of this document, provide requirements of the applicant to obtain a Site Development Permit and a Building Permit.

With the recommended conditions of approval, the site can be designed in accordance with City codes and standards and provide adequate protection, thereby meeting this criterion for approval.

FINDING:

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets this approval criterion.

- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.*

The applicant describes that the site will be graded to collect stormwater onsite and provide water quality treatment prior to discharge to the public storm system.

The applicant must show compliance with Site Development erosion control measures at the time of Site Development permit issuance.

With the recommended conditions of approval, grading and contouring of the site can be designed to accommodate the proposed use and mitigate adverse, thereby meeting this criterion for approval.

FINDING:

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets this approval criterion.

- K. *Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.*

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals.

The Committee finds that as proposed, the street sidewalks and walkways internal to the development appear to meet applicable accessibility requirements and through the site development and building permitting reviews will be thoroughly evaluated.

With the recommended conditions of approval, the site will be in conformance with ADA requirements and would therefore be in conformance with Development Code Section 60.55.65, thereby meeting this criterion for approval.

FINDING:

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets this approval criterion.

- L. *The proposal contains all required submittal materials as specified in Section 50.25.1 of the Development Code.*

The applicant submitted the applications on April 17, 2013 and submitted complete materials on June 26, 2013. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

FINDING:

Therefore, the Committee finds that the proposal meets this approval criterion.

RECOMMENDATION

The Facilities Review Committee finds that the proposal will not comply with all technical criteria in Section 40.03. Many technical criteria will be satisfied through the imposition of conditions of approval. However, staff find that the proposal will not meet four approval criteria as noted above. If the proposal is modified to address staff concerns, the proposal may be able to satisfactorily meet the approval criteria through meeting approval criteria. Although staff cannot recommend approval of the project as designed, potential conditions of approval are identified herein.

CODE CONFORMANCE ANALYSIS
Chapter 20 - Land Use and Site Development Standards
Regional Center – East (RC-E) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.20.20. Land Uses			
Use, Permitted	Automotive Service, Minor Retail Office	Phase I: Automotive Service, Minor Phase II: Retail, Office	Refer to DR Findings
Use Restrictions	Retail: 26, 30, 31		
Development Code Section 20.20.15. Site Development Standards			
Parcel Area Minimum / Maximum	None	Property Line Adjustment to result in 52,692 square feet	Yes
Residential Density Minimum / Maximum	Residential Only: 12 per acre / 40 per acre	No residential dwelling units are proposed	N/A
Floor Area Ratio (FAR) Minimum / Maximum	0.30, 0.0 (DRBCP) / 1.00, None (DRBCP)	DRBCP Phase I: 0.00 Phase II: 0.30	Refer to DR Findings
Lot Dimensions Minimum / Maximum	None / None	Property Line Adjustment to result in avg. 183 ft. x 298 ft.	Yes
Yard Setbacks Front Side Rear Minimum / Maximum	Front: Maximum on MPR per footnote 7, Section 60.05.15.6 Side: None Rear: None	Phase I: Phase II: Front: 0 feet Side: 0 Feet Rear: 34.50 feet	Refer to DR Findings
Building Height Minimum / Maximum	Min: §60.05.15.7 or §60.05.35.7 for MPR Max: 80 feet	Phase I: Min 19 feet, not to exceed 80 feet Phase II: Not to exceed 80 feet	Refer to DR Findings

The ability of Phase I to meet CH 20 requirements relies on a Phase II design that meets Chapter 20 requirements. However, staff believe that Phase II is not realistically achievable and thus, Chapter 20 provisions concerning FAR will not be met. Staff's findings for the Phase II development are contained in the analysis for Design Review application.

CODE CONFORMANCE ANALYSIS

Chapter 60 – Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	DRBCP for Phase I new fuel center Phase II new retail/office building with associated lighting, landscaping, parking, and other associated improvements will be addressed in the Design Review staff report findings.	Refer to DR findings
Development Code Section 60.07			
Drive-Up window facilities	Requirements for drive-up, drive-through and drive-in facilities.	No drive-up window facilities are proposed per Chapter 90 definition	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The project is not located in the floodplain, floodway, or floodway fringe. The western end of the proposed storm line improvement lies just north of floodplain.	N/A
Development Code Section 60.12			
Habitat Friendly Development Practice and Low Impact Development Techniques	Optional program offering various credits available for use of specific practices or techniques.	No Habitat Friendly Development Practice and Low Impact Development Techniques proposed.	N/A
Development Code Section 60.15 Land Division Standards (note: No residential properties abut site)			
.10 Grading	On-site surface contouring	Grading to drain to internal portions of the site and stormwater quality catch basins.	Yes
Development Code Section 60.25 – Off Street Loading			
Loading Facilities	No loading facilities are required for this use.	No loading facilities are proposed	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30 – Off-Street Parking			
Required Vehicle Parking (minimum) Parking Zone A (maximum)	<u>Auto Service, Minor</u> N/A	Phase I: <u>Auto Service, Minor</u> The applicant proposes 5 parking spaces (4 standard, 1 ADA)	YES
Required Vehicle Parking (minimum) Parking Zone A (maximum)	<u>Retail</u> Min 3.0 spaces per 1,000sf = 24 min Max 5.4 spaces per 1,000sf = 40 max <u>Office</u> Min 2.7 spaces per 1,000sf = 21 min Max 3.4 spaces per 1,000sf = 27 max <u>TOTAL</u> 45 Minimum 67 Maximum <u>See additional analysis under Facilities Review Criterion D</u>	Phase II: <u>Retail / Office</u> The applicant proposes 18 parking spaces (17 standard, 1 ADA) and future Shared Parking Agreement with Fred Meyer with the potential for more than 50 percent of required parking to be located off site if the combination of uses requires 36 parking space or more	Yes- with COA
Required Bicycle Parking	<u>Short term: 2 spaces</u> <u>Long term: 2 spaces</u>	Phase I: <u>Short term: 2 spaces</u> <u>Long Term: 2 spaces</u>	<u>Yes- with COA</u>
Required Bicycle Parking	<u>Short term: 2 spaces</u> <u>Long term: 2 spaces</u>	Phase II: <u>Short term: 0 spaces</u> <u>Long Term: 0 spaces</u>	<u>Yes- with COA</u>
Compact Spaces	A maximum of 20% of required parking spaces may be compact spaces.	No compact parking spaces are proposed.	YES
Development Code Section 60.40			
Signage	A sign permit required for any sign.	Signs are not subject to review.	N/A

Development Code Section 60.55 – Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	No
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	<u>Removal of 30 trees:</u> <u>one (1) Community Tree,</u> <u>27 Landscape Trees,</u> <u>two (2) undesignated</u> <u>290 inches DBH</u> <u>Replacement with</u> <u>86 trees,</u> <u>290 inches DBH</u> <u>proposed in Phase I</u>	<u>YES</u>

Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	To ensure the proposal meets requirements of this section, staff recommends a condition requiring undergrounding completion prior to occupancy.	Yes- with COA

**LAND DIVISION
ANALYSIS AND FINDINGS
Canyon Fred Meyer Fuel Center
LD2013-0004**

The applicant requests approval of a Replat Two in order to add approximately 12,035 square feet to Tax Lot 500 from a portion of Tax Lot 1100, which is between Highway 217 and Tax Lot 500.

Section 40.45.05. Land Division; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of the boundaries of land within the City of Beaverton. This Section is carried out by the approval criteria listed herein.

Section 40.45.15.3.C Replat Two Approval Criteria

In order to approve a Replat Two application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

1. *The application satisfies the threshold requirements for a Replat Two.*

Threshold numbers 2 and 3 for Replat Two state:

2. *Within an existing plat, a public easement is conveyed, removed, or modified in such a way that it affects more than one (1) property owner (i.e., multiple properties under different ownership);*
3. *The reconfiguration of lots, parcels, or tracts affecting more than one (1) recorded plat, or where the perimeter boundary of a recorded plat would change as a result of the proposed reconfiguration. [ORD 4498; January 2009]*

The proposal is to modify easements and adjust lot lines between two plats. Therefore, the proposal satisfies the thresholds for a Replat Two application.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant submitted the required fee on April 17, 2013.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

3. *The proposed Replat Two does not conflict with any existing City approval, except the City may modify prior approvals through the Replat process to comply with current Code standards and requirements.*

As proposed, the Replat Two application does not conflict with any existing City approval. The City does not propose modifying prior approvals through this Replat process.

Therefore, the proposal satisfies the requirements of criterion 3.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

4. *Oversized lots or parcels ("oversized lots") resulting from the Replat shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.*

An "oversized lot" is defined in the Development Code as, "A lot which is greater than twice the required minimum lot size allowed by the subject zoning district." The RC-E zoning district has no minimum or maximum parcel area requirement, as noted in the Code Conformance Analysis within Attachment A, above. With no minimum or maximum parcel area requirement, there can be no creation of an oversized lot or parcel in the RC-E zoning district.

As the parcels that are the subject of this application are within the RC-E zoning district and the proposal does not affect property outside the RC-E zoning district, the proposal satisfies criterion 4.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

5. *Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:...*

Section 20.05.15.D applies to property within the R5, R7, and R10 zoning districts. The subject parcels are located within the RC-E zoning district. Therefore, criterion 5 is not applicable to the proposal.

FINDING:

Therefore, staff finds that the criterion is not applicable to the subject application.

6. *Applications that apply the lot area averaging standards of Section 20.05.15.D. shall not require further Adjustment or Variance approvals for the Land Division.*

Section 20.05.15.D applies to property within the R5, R7, and R10 zoning districts. The subject parcels are located within the RC-E zoning district. Therefore, criterion 6 is not applicable to the proposal.

FINDING:

Therefore, staff finds that the criterion is not applicable to the subject application.

7. *If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.*

The applicant's development proposal is divided into two phases upon the resulting enlarged parcel. Phase I includes development of a fuel center on the southern portion of the site and Phase II represents future development of a 15,808 square foot retail and office building on the northern portion of the site.

Utility improvements and connections are proposed, as follow:

- **Water:** A new water line connection will be made from SW Canyon Road to the waterline loop around the existing Fred Meyer store. A connection from the new waterline to the fuel center is depicted on the plans. Future connection to Phase II can be made from the new waterline, as well.
- **Sanitary Sewer:** Connections to the sanitary sewer will be made from Canyon Road through the western portion of the enlarged lot to a new manhole in the southwestern corner of Phase II. This manhole will allow for connection of Phase I and Phase II development to the pubic system.
- **Surface Water Quality and Storm Drainage:** The proposal includes installation of a new 12-inch storm drainage line from between the Fred Meyer store and the proposed fuel center heading westerly to the western portion of the Fred Meyer property, south of the Olive Garden restaurant, connecting to an existing public line. This new line will include new storm filter catch basins to replace existing catch basins. Proposed Phase I will connect to this new storm drainage line and Phase II may extend a storm line upon development.

Appropriate easements necessary to allow connection of water and storm drainage from the Fred Meyer parcel to the enlarged parcel will be required. Therefore, with conditions of approval to provide the appropriate easements, the requested phasing plan may meet applicable City standards and provide for necessary public improvement for each phase.

FINDING:

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets this approval criterion.

8. *The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties.*

As noted by the applicant, the proposal will maintain and improve pedestrian, utility, and vehicle access to the subject parcels. Therefore, this application satisfies criterion 8.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

9. *The proposal does not create a parcel or lot which will have more than one (1) zoning designation.*

The subject parcels are both currently zoned RC-E and both will remain under the RC-E zoning designation. Therefore, the proposal satisfies criterion 9.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

10. *Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.*

The applicant has proposed development of the subject parcel through a Design Review Three application for phased development in a Design Review Build-out Concept Plan. Future submittal of a Parking Determination application for shared parking will be required for Phase II proposed development. No other land use applications are required of the Phase I proposal at this time. Site Development and Building permits are necessary prior to construction. Therefore, this application satisfies criterion 10.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

SUMMARY OF FINDINGS:

Based on evidence provided by the applicant and conditions of approval proposed by staff, staff finds that the applicable approval criteria for a Replat Two application (Section 40.45.15.3.C of the Development Code) may be satisfied.

If the Planning Commission finds the project proposal to have met the criteria, staff recommends conditions necessary to meet the technical requirements identified in Section 40.03.1 of the Development Code. These conditions are identified herein under Attachment D.

RECOMMENDATION:

Based on the facts and findings presented herein, staff recommends **APPROVAL of LD2013-0004 (Canyon Fred Meyer Fuel Center) subject to the conditions, below.**

DESIGN REVIEW ANALYSIS AND FINDINGS

Canyon Fred Meyer Fuel Center
DR2013-0040

The applicant also requests approval of a Design Review Three application for a two phased Design Review Build-out Concept Plan. In Phase I the applicant proposes to construct a new fuel center consisting of seven (7) multi-product dispensers for a total of 14 fueling positions in eight (8) lanes. The dispensers will be under a 53 foot by 129 foot canopy. An eight (8) foot by 30 foot building housing a cashier's kiosk and restroom is proposed and is partially covered by the proposed canopy. Employee parking to be provided on site is proposed. In Phase II the applicant proposes future construction of a 15,808 square feet retail and office building with 18 on-site parking spaces.

Section 40.20.05 Design Review Applications; Purpose

The purpose of Design Review is to encourage originality, flexibility, and innovation in development, site planning, buildings, structures, and landscaping. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. This Section is carried out by the approval criteria listed herein.

Section 40.20.15.3.C Design Review Three Approval Criteria

In order to approve a Design Review Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Design Review Three application.*

The proposal is to phase development of the enlarged Tax Lot 500 through use of a Design Review Build-out Concept Plan (DRBCP). Threshold number 5 for a Design Review Three application states:

Projects proposed utilizing the options described in Section 40.20.10.5.

Section 40.20.10.5 states, in part:

Design Review approval is required for all applicable new and existing developments. The City recognizes, however, that meeting all applicable design standards in an early phase of a multi-phased development on a large site may be difficult. It also recognizes that creating high quality pedestrian environments along Arterial Streets poses many challenges. In recognition of these and other issues, the following options are available.

- A. *Projects may use a Design Review Build-out Concept Plan (DRBCP), approved through a Type 3 process, to develop a site by demonstrating conceptually full compliance at build-out with the design review standards established in Section 60.05. Such projects must demonstrate in a DRBCP how future development of the site, to the minimum applicable floor area development standards contained in Chapter 20 of the Beaverton Development Code and to the minimum applicable design standards contained in Section 60.05. or greater, can be achieved at ultimate build out of the DRBCP. A DRBCP shall:*

1. *Include a plan and narrative intended to address feasibility of constructing future phases, consistent with applicable development standards of the Development Code within the total site area where the project is proposed, and may include abutting properties if under same ownership;*
2. *Not rely on the removal of a structure greater than 20% of the gross floor area of a development constructed in an early phase in order to demonstrate compliance in later phases.*

The applicant proposes development of a fueling center on the southern portion of Tax Lot 500 as Phase I and future development of a retail and office building on the northern portion of Tax Lot 500 as Phase II of a Build-out Concept Plan.

Therefore, based upon the proposed phasing through a DRBCP application, the proposal satisfies the threshold for a Design Review Three application.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant paid the fee required for a Design Review Three application on April 17, 2013.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

3. *For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).*

The Design Guidelines are addressed in the tables, below. As noted in the tables, the proposal does not satisfy all of the applicable provisions of Sections 60.05.35 through 60.05.50. Therefore, the application does not satisfy criterion 3.

During the Planning Commission hearing on August 28, commissioners inquired about the lack of architectural detail proposed for the fuel center canopy and kiosk as well as the lack of landscaping provided in the interim over the Phase II pad.

1. Building Design

- architectural treatment of the canopy and kiosk structures to satisfy Chapter 60 Design Guidelines

Applicant's Response: The proposed canopy and kiosk will utilize earth toned colors for compatibility with the Fred Meyer store and adjacent development. The canopy will include a cornice provided at the Costco wholesale fuel center. The kiosk will be clad with block veneer.

References were made to the architectural detail required for the Costco Fueling Facility, approved through DR2010-0132. At the hearing the applicant stated that Fred Meyer could provide a similar level of detail as was approved for Costco. The applicant's submittal of September 12 does provide a cornice detail similar to the detail approved for the Costco facility. However, the column detail provided at Costco is not proposed with this application.

If Planning Commission approves the Design Review application, a Condition of Approval is provided to address kiosk, canopy, and column design issues.

2. Landscape Design

- interim landscaping for Phase II

Applicant's Response: The enclosed landscape plans have been updated to include enhanced decorative landscaping along the front of the site.

The applicant has proposed a new landscape plan that:

- continues the shrub border along the east side of the site to the northeast corner
- provides a line of five Imperial Honey Locust trees with a mix of understory border plantings behind the Canyon Road sidewalk on the north side of the site, and
- establishes a lawn over the remainder of the area reserved for Phase II.

As noted in the tables, with Conditions of Approval the proposal will be able to satisfy the applicable provisions of Sections 60.05.35 through 60.05.50. Therefore, the application does satisfy criterion 3.

FINDING:

Therefore, staff finds that the criterion has not been met.

4. *For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:*
- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or*
 - b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or*
 - c. The location of the existing structure to be modified is more than 300 feet from a public street.*

The proposal involves the construction of a new retail fueling center and future development of a retail and office building, which are not additions or modifications to existing development. In order to accommodate the proposed development of Tax Lot 500, the applicant proposes modifications to Tax Lot 1100. Therefore, criterion 4 is not applicable to the proposal.

FINDING:

Therefore, because the proposal does not involve additions to or expansion of existing development, staff finds that the criterion is not applicable.

5. *For DRBCP [Design Review Build-Out Concept Plan] proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.*

The proposal is under concurrent review of a Replat Two application to adjust the eastern property line thereby increasing the size of Tax Lot 500 from 40,671 square feet to 52,706 square feet. The RC-E zoning district requires a minimum 0.30 Floor Area Ratio (FAR). When

the FAR is applied to the resulting parcel size of 52,706 square feet, the minimum floor area requirement for the parcel is 15,812 square feet.

The proposal includes two phases. Phase I for a fueling station does not satisfy any amount of the required FAR. Phase II proposes a future 15,808 square foot two-level retail and office building. 15,808 divided by 52,706 equals 0.2999 or 0.30 FAR. While the proposed building square footage amount will satisfy the FAR requirement, staff contend that the proposal does not satisfy a key component of the approval criterion, the realistic achievement of the required floor area at build out of the phase.

Virtually all commercial pad development along Canyon Road is single level retail construction. The concept of office above retail on an approximately 7,500 floor plate is a difficult product to make viable. Couple that with the fact that approximately half (50%) of the required parking for the future building will be located off site from the building, the ability to lease and the viability of the building becomes suspect. The City expects that mixed use development will occur over time along Canyon Road. However, the floor plates of mixed use development will be larger to support a wider range of uses and users and have on-site access to parking to support the uses. In this specific location, the activity of the fueling station will be a hindrance to the usability of the future building. Access to the future building will be inconvenient and perhaps be obstructed during the busiest times of fueling station use. Potential tenants, especially retail uses, will not locate in a structure where customers cannot conveniently access their services. For these reasons, staff do not find that the future phase of development to achieve the required floor area is realistic.

The proposed 15,808 square feet retail and office building also requires accommodating pedestrian access, parking, traffic flow, landscape, and other amenities. The applicable design features of the future development are discussed in the Design Review Guidelines Analysis, below.

At the August 25, 2013 Planning Commission hearing, commissioners voiced concern over the realistic feasibility of the DRBCP. The Planning Commission requested evidence demonstrating that the Phase II proposal is feasible.

The applicant provided three examples to staff on September 12, which are included in the packet. The three examples include:

- South Bridgeport Village Retail/Office in Tualatin, Oregon
- Retail, Office, and Fuel in Snoqualmie, Washington, and
- Fred Meyer Fuel Center and Retail/Office Building in Puyallup, Washington.

Aerial images of the three sites are presented as an Exhibit to this report. All images are represented at the same "Google" scale with the outline of the subject site overlaid on each. These examples will be referenced in staff's analysis.

Below is a list of specific issues with staff's review of the applicant's most recent submittal:

1. realistic construction of a two-story building

Applicant's Response: This submittal includes photo exhibits of three existing developments that conceptually demonstrate the types of retail/office buildings that could be constructed on the site. We will describe these exhibits in more detail at the continuance hearing.

- Proposal

The proposal is for a two-story, potentially mixed use, 15,808 square foot building. As depicted, the building walls have been drafted off-set 10 feet from the property lines, which are odd angles. This method of drafting the building envelope appears to have resulted in only one right-angle building corner at the southwest corner. By off-setting the walls in this manner, the applicant has provided a polygon that represents half of the 15,808 square feet to satisfy the minimum FAR. However, most developers, builders, and tenants prefer square corners for ease of design, engineering, construction, tenant improvements, and use of space.

- South Bridgeport Village Retail/Office in Tualatin, Oregon

The building depicted in this example is a rectangular building with architectural differentiation.

- Retail, Office, and Fuel in Snoqualmie, Washington

The building depicted in this example is a rectangular building with a differentiated entry feature.

- Fred Meyer Fuel Center and Retail/Office Building in Puyallup, Washington.

The building depicted in this example is primarily a rectangular building with a 45 degree angled feature on one corner and a curved feature on another corner.

The proposal presents a pad outline that if doubled would result in 15,808 square feet. It does not present a reasonable building footprint that could be placed on the site, relative to encumbrances, to provide the amount of FAR required by the approval criterion.

2. realistic leasing of a two-story building in this location, concern over a building that never rents

Applicant's Response: The enclosed photo exhibits include existing developments with a variety of tenants and limited parking and/or access. We will describe these exhibits in more detail at the continuance hearing.

- Proposal

The applicant proposes a 15,808 square foot building. A building design and tenant mix has not specified for future Phase II.

- South Bridgeport Village Retail/Office in Tualatin, Oregon

The building depicted in this example is Building #1 of Pointe at Bridgeport. Pointe at Bridgeport includes a total of five buildings for 49,000 square feet. The following uses are or have been lessees of Building #1:

- Office: Card/Pay
- Service Businesses: Salon
- Medical, Dental Clinics: Dental, Laser Eye Center
- Eating and Drinking Establishment: Bagel shop, Coffee shop, Yogurt shop
- Vacant: 2,148 square feet

- Retail, Office, and Fuel in Snoqualmie, Washington

The building depicted in this example is Building B of Gateway Plaza. Gateway Plaza includes a total of three buildings for 10,005 square feet. The following uses are or have been lessees of Building B:

- Bank, Financial Institution: Savings
- Service Businesses: Salon, Cleaner
- Medical, Dental Clinics: Dental, Chiropractic

- Fred Meyer Fuel Center and Retail/Office Building in Puyallup, Washington.
The building depicted in this example is Jerome Center, which is one 24,000 square foot building. The following uses are or have been lessees of Jerome Center building:

- o Bank, Financial Institution: Check Cashing
- o Service Businesses: Phone store, Tax service, Salon, Insurance agent
- o Medical, Dental Clinics: Dental, Chiropractic
- o Eating and Drinking Establishment: Teriyaki restaurant
- o Vacant: 3,007 square feet

Of the three property examples provided by the applicant, the Snoqualmie property is the only one that is 100% leased.

3. realistic examples of businesses that thrive under similar conditions of two-story construction, parking, access (how do I get there?), circulation (traffic flow), fuel center conflict

Applicant's Response: The enclosed photo exhibits include existing developments with a variety of tenants and limited parking and/or access. We will describe these exhibits in more detail at the continuance hearing.

- Proposal

The building pad is depicted within 10 feet of Canyon Road, and covers approximately 50 percent of the site's frontage. Pedestrian access is proposed from three sidewalks, one along Canyon Road and two internal to the site, passing by either side of the fuel center. Motor vehicle access is through the proposed fuel center.

- South Bridgeport Village Retail/Office in Tualatin, Oregon

The buildings abut three streets with wide sidewalks, internal pedestrian connections, parking in the middle, cross-over access on the property to the south, and two driveways serving the two properties. This block of buildings does not include a fuel center.

- Retail, Office, and Fuel in Snoqualmie, Washington

The buildings front two streets with landscaping between the buildings and the streets, pedestrian connections to the street, between the buildings and internal to the site, motor vehicle access across the property between two driveways. A fuel center is present internal to the site.

- Fred Meyer Fuel Center and Retail/Office Building in Puyallup, Washington.

The building is separated from the street by a parking lot that serves the building and a coffee shop. Additional parking is available between the building and a Fred Meyer store. Access to the site is provided by a right-in / right-out driveway east of the coffee shop and also through internal drive aisle connections across the Fred Meyer store property. A fuel center is present east between the right-in / right-out driveway and a signalized driveway access east of the fuel center.

The applicant's examples do not depict similar parking, access, circulation, and fuel center conflicts that are proposed in the current application for Phase II.

4. re-run parking calculations for different uses

The applicant's response and staff's analysis of the applicant's August 12 submittal are provided under criterion D of the Facilities Review Committee section of this staff report. In summary, the potential combination of uses for Phase II results in a variety of scenarios and related motor vehicle parking requirements. The applicant proposes 18 parking spaces for Phase II. Therefore, any scenario that results in a motor vehicle parking requirement of 36 spaces or more also results in 50 percent or more of the required parking located off site. All of the scenarios presented above require more than 50 percent of the parking off site without an approved parking reduction. Scenario 8 results in 80 percent of the required parking off site without an approved parking reduction.

5. corner of Canyon and 217 is a gateway, landscape and architecture design important

Applicant's Response: The enclosed landscape plans have been updated to include enhanced decorative landscaping along the front of the site. The proposed canopy and kiosk will utilize earth toned colors for compatibility with the Fred Meyer store and adjacent development. The canopy will include a cornice that is compatible with the Fred Meyer store, and similar to the cornice provided at the Costco wholesale fuel center. The kiosk will be clad with block veneer.

The applicant has proposed a new landscape plan that:

- continues the shrub border along the east side of the site to the northeast corner
- provides a line of five Imperial Honey Locust trees with a mix of understory border plantings behind the Canyon Road sidewalk on the north side of the site, and
- establishes a lawn over the remainder of the area reserved for Phase II.

Portions of this landscape would be demolished with development of proposed Phase II and replaced with a building, sidewalks, parking lot improvements, replacement landscaping, and other improvements.

The applicant has modified the canopy by adding a cornice treatment, which is addressed under criterion 3, above. The applicant has not provided a specific building design for Phase II with this application.

6. pedestrian conflicts through/along fuel center to potential shared parking location, concern with 5' wide sidewalks

Applicant's Response: Raised sidewalks will be provided along both sides of the site. Crossings will be clearly marked as shown on the enclosed circulation exhibits. 5' sidewalks are common along City streets and within shopping centers.

Staff has provided a response to this request under criterion F of the Facilities Review Committee section of this staff report. Pedestrian pathways are shown with a different material, pattern, or color providing distinction and visual cue. Five foot wide sidewalks are the Code minimum.

The proposal has not demonstrated, "how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP."

FINDING:

Therefore, staff finds that the criterion has not been met.

6. *For proposals meeting Design Review Three application threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with the applicable provisions of 60.05.15 through 60.05.30 (Design Standards), except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s).*

The proposal satisfies threshold number 5 for Design Review Three review. Therefore, criterion 6 is not applicable to the proposal.

FINDING:

Therefore, staff finds that the criterion is not applicable.

7. *For proposals meeting Design Review Three application threshold numbers 7 or 8, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).*

The proposal satisfies threshold number 5 for Design Review Three review. Therefore, criterion 7 is not applicable to the proposal.

FINDING:

Therefore, staff finds that the criterion is not applicable.

8. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The applicant has proposed to Replat the subject parcels through a Land Division Replat Two application concurrent with this Design Review Three application. Future submittal of a Parking Determination application for Shared Parking may be required for Phase II proposed development. No other land use applications are required of the Phase I proposal at this time. Site Development and Building permits are necessary prior to construction. Therefore, this application satisfies criterion 8.

FINDING:

Therefore, staff finds that the proposal meets the criterion for approval.

SUMMARY OF FINDINGS:

Based on evidence provided by the applicant and analysis contained herein, staff finds that the applicable approval criteria for a Design Review Three application (Section 40.20.15.3.C of the Development Code) have not been satisfied.

If the Planning Commission finds the project proposal to have met the criteria, staff recommends conditions necessary to meet the technical requirements identified in Section 40.03.1 and the design requirements of Section 60.05 of the Development Code. These conditions are identified herein under Attachments D and E.

Section 60.05 Design Review Guidelines Analysis

Canyon Fred Meyer Fuel Center

DR2011-0040

Zone: Regional Center – East (RC-E)

Major Pedestrian Route (MPR): SW Canyon Road – Class 2 MPR

MPRs in the Regional Center are illustrated in the Section 60.05.55.1 of the Development Code and Exhibit 3 of this report.

The section below reviews building design and orientation, circulation and parking design, landscape design, lighting design, and other associated elements relevant to applicable Design Guidelines.

Design Review Guidelines Analysis and Findings Chart

Section 60.05.35 Building Design & Orientation

The following chart is an analysis of the proposed Phase I development presented in Exhibit 5.3, the fueling station inclusive of the canopy and kiosk. Phase II development will be required to demonstrate compliance with applicable design standards or, as appropriate, design guidelines, of Section 60.05 as conditioned. Future analysis may require adoption of conditions of approval or may require redesign of future proposals.

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.35.1 Building Articulation and Variety			
60.05.35.1.A	Residential buildings should be of a limited length.... (Standard 60.05.15.1.A)	No residential buildings is proposed, thus the criterion does not apply.	N / A
60.05.35.1.B	Building elevations should be varied and articulated to provide visual interest to pedestrians. ... (Standard 60.05.15.1.A and B)	The applicant states that, for Phase I, "the kiosk [like the canopy] does not require additive design features to artificially embellish its otherwise utilitarian purpose." The proposed fueling canopy in Phase I includes <u>a cornice detail</u> .	Yes, as conditioned, the proposal meets the guideline.
60.05.35.1.C	To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)	The applicant states that, for Phase I the criterion is, "Not applicable. The project does not have long building walls that would require an emphasis on building entries." The proposed Phase I does not include long walls.	Yes, as conditioned, the proposal meets the guideline.
60.05.35.1.D	Buildings should promote and enhance a comfortable pedestrian scale and orientation. ... (Standard 60.05.15.1.B)	The applicant states that, for Phase I, "The fuel center canopy is auto-oriented and does not provide pedestrian level activities..." The proposed fueling canopy and kiosk in Phase I is for an auto-oriented use.	Yes, as conditioned, the proposal meets the guideline.

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.35.1.E	Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features... Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided. (Standard 60.05.15.1.B)	The applicant states that, for Phase I, this guideline is "Not applicable. The fuel canopy does not have undifferentiated blank walls..." The Phase I proposed fueling canopy is within 200 feet of Canyon Road and the canopy and kiosk are adjacent to a large parking lot. The proposed fueling canopy in Phase I <u>includes a cornice detail.</u>	Yes, as conditioned, the proposal meets the guideline.
60.05.35.1.F	Building elevations for industrial uses, visible from and within 100 feet of an adjacent street or major parking area should be articulated with architectural ... (Standards 60.05.15.1.B and C)	The proposal is not for an industrial use.	N / A
60.05.35.2 Roof Forms as Unifying Elements			
60.05.35.2.A	Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be highlighted. (Standards 60.05.15.2.A and B)	The applicant states that, for Phase I, "The form of the canopy follows its function in that the structure does not require oversized columns or artificial roof forms..." <u>The proposed fueling canopy in Phase I includes a cornice detail.</u>	Yes, as conditioned, the proposal meets the guideline.
60.05.35.2.B	Flat roofs should include distinctive cornice treatments. (Standard 60.05.15.2.C)	The applicant states that, for Phase I, "The fuel center canopy will include earth toned colors to match the Fred Meyer store." The proposed fueling canopy in Phase I <u>includes a</u> cornice treatment.	Yes, as conditioned, the proposal meets the guideline.
60.05.35.2.C	Additions to existing structures which involve the addition of new roof area should respect the roof form and material of the existing structure. (Standard 60.05.15.2.D)	The proposal does not include an addition to existing structures.	N / A

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.35.3 Primary Building Entrances			
60.05.35.3.A	The design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. (Standard 60.05.15.3)	The applicant states that, for Phase I, "The canopy is designed to protect pedestrians from rain and sun, and provide lighting at night. Other features describe in the standard are not applicable."	Yes, as conditioned, the proposal meets the guideline.
60.05.35.3.B	Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3)	The applicant states that, for Phase I, "The fuel center canopy is not a building with walls that would require a distinctive entrance." The proposed fueling canopy in Phase I is not designed with a primary building entrance given the fact that it is not a building as envisioned by this guideline.	Yes, as conditioned, the proposal meets the guideline.
60.05.35.4 Exterior Building Materials			
60.05.35.4.A	Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standard 60.05.15.4.A)	The applicant states that, for Phase I, "The fuel canopy is constructed of steel to convey an impression of permanence, durability, and fire resistance." <u>The applicant has proposed that the canopy, metal support posts, and block veneer kiosk be painted an earth tone to match the existing Fred Meyer store.</u>	Yes, as conditioned, the proposal meets the guideline.
60.05.35.4.B	Where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered, ... (Standards 60.05.15.4.B and C)	The applicant states that, for Phase I, "Masonry is not proposed for the fuel canopy. The base of the kiosk will include stone veneer." The proposed kiosk in Phase I is at the pedestrian level <u>and is depicted in a running bond pattern.</u>	Yes, as conditioned, the proposal meets the guideline.
60.05.35.5 Screening of Equipment			
60.05.35.5	All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, ... or by other suitable means. (Standards 60.05.15.5.A through C)	The applicant states that, for Phase I, "Rooftop equipment on the kiosk will be screened with float paneling. The canopy roof does not contain equipment that would project above the roofline."	Yes, as conditioned, the proposal meets the guideline.

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.35.6 Building Location and Orientation in Multiple Use and Commercial Districts			
60.05.35.6.A to C	Buildings should be oriented toward and located within close proximity to public streets and public street intersections. The overall impression, particularly on Class 1 Major Pedestrian Routes, should be that architecture is the predominant design element... (Stds 60.05.15.6.A, B, and C)	The applicant states that, for Phase I, "The fuel canopy is recessed from SW Canyon Road in order to provide room for the Phase II building to be placed adjacent to the street consistent with the guideline."	Yes, as conditioned, the proposal meets the guideline.
60.05.35.6.B	On Class 1 Major Pedestrian Routes, ...	SW Canyon Road is a Class 2 Major Pedestrian Route.	N / A
60.05.35.6.C	On Class 1 Major Pedestrian Routes, ...	SW Canyon Road is a Class 2 Major Pedestrian Route.	N / A
60.05.35.7 Building Scale along Major Pedestrian Routes			
60.05.35.7.A	Architecture helps define the character and quality of a street. Along Major Pedestrian Routes, low height, single story buildings located at the right-of-way edge are discouraged ... (Standards 60.05.15.7.A and B)	The applicant states that, "The future building in Phase II is envisioned as a two-story structure containing office and retail uses." The proposed fueling canopy in Phase I is not proposed at the right-of-way edge.	Yes, as conditioned, the proposal meets the guideline.
60.05.35.7.B	Building heights at or near the street should help form a sense of enclosure, but should not create an undifferentiated high wall out of scale with pedestrians. Building heights at the street edge should be no higher than sixty (60) feet ... (Standard 60.05.15.7.A)	The applicant states that, "The future building in Phase II is envisioned as a two-story structure that would not exceed 60 feet in height." The proposed fueling canopy in Phase I is approximately 195 feet from SW Canyon Road.	Yes, as conditioned, the proposal meets the guideline.
60.05.35.8 Ground Floor Elevations on Commercial and Multiple Use Buildings			
60.05.35.8.A	..., ground floor building elevations should be pedestrian oriented and treated with windows, display areas or glass doorway openings to the extent possible and where appropriate to the design and use of the building. This guideline particularly applies to ground floor building elevations situated along Major Pedestrian Routes. (Standard 60.05.15.8.A)	The applicant states that, for Phase I, "The canopy is a transparent open-aired structure. The kiosk will include window oriented to serve customers and provide visibility of the fuel dispensers for employees."	Yes, as conditioned, the proposal meets the guideline.

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.35.8.B	Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk should provide weather protection for pedestrians on building elevations. (Standard 60.05.15.8.B)	The applicant states that, for Phase I, "The future building in Phase II fronts on SW Canyon Road and could be designed to meet this guideline." The Phase I proposal is a fuel canopy, not a building as envisioned by this guideline.	Yes, as conditioned, the proposal meets the guideline.

Design Review Guidelines Analysis and Findings Chart
Section 60.05.40 Circulation and Parking Lot Design Guidelines

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.40.1 Connections to public street system			
60.05.40.1	The on-site pedestrian, bicycle, and motor vehicle circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets in accordance with connections identified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan. (Standard 60.05.20.1)	SW 115 th Avenue is designated as a future Collector on Figure 4.4 of the Comprehensive Plan and is in a high priority area for improving pedestrian and bicycle facilities. The applicant states that, "The fuel center design includes sidewalk extensions to SW Canyon Road to meet this guideline." The applicant is proposing new pedestrian connections from Canyon Road to the existing system within the Fred Meyer store parking lot and is modifying the store site to provide direct motor vehicle connections to SW 115 th and redesign the 115 th driveway north of its connection with a second future Collector within the store parking lot.	Yes, the proposal meets the guideline.
60.05.40.2 Loading Areas, solid waste facilities and similar improvements			
60.05.40.2.A	On-site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)	The applicant states that, "The fuel center will not contain any loading areas and will utilize the existing solid waste facilities at the Fred Meyer store that are currently screened from view." The applicant has clarified for staff that the solid waste facilities that will be utilized are located in the loading area along the east	Yes, as conditioned, the proposal meets the guideline.

		side of the Fred Meyer store, <u>see Exhibit 5.7</u> . The location is <u>approximately 500 feet from the proposed canopy and requires interior access</u> . Phase II includes <u>a future trash receptacle on site</u> .	
60.05.40.2.B	..., loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2.)	The applicant states that, "The fuel center will not contain loading areas other than the underground storage tanks, which are located underground."	Yes, the proposal meets the guideline.
60.05.40.3 Pedestrian Circulation			
60.05.40.3.A	Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)	The applicant states that, "The fuel center plan includes sidewalk extensions to the Fred Meyer store and SW Canyon Road to meet the guideline." The proposal includes two sidewalk stubs into the fueling center area, but no internal pedestrian demarcation from the proposed sidewalk or the proposed parking to the area under the canopy.	Yes, as conditioned, the proposal meets the guideline.
60.05.40.3.B	Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets... (Standard 60.05.20.3.A)	The applicant states that, "The fuel center site plan includes sidewalk extensions to the Fred Meyer store and SW Canyon Road to meet this guideline."	Yes, the proposal meets the guideline.
60.05.40.3.C	Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)	The applicant states that, "The fuel center site plan includes sidewalk extensions to the Fred Meyer store and SW Canyon Road to meet this guideline."	Yes, the proposal meets the guideline.
60.05.40.3.D	Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Stds 60.05.20.3.C through E)	The applicant states that, "Proposed pedestrian walkways will be separated and raised to be separated from vehicles."	Yes, the proposal meets the guideline.
60.05.40.3.E	... pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.3.A through H)	The applicant states that, "The fuel center site plan includes sidewalk extensions to the Fred Meyer store and SW Canyon Road to meet this guideline." The proposal continues the 10 foot sidewalk along the Canyon Road frontage and provides a five (5) foot wide internal sidewalk.	Yes, the proposal meets the guideline.

60.05.40.3.F	Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Std 60.05.20.3.F through G)	The applicant states that, "Proposed pedestrian walkways will be constructed of raised concrete.	Yes, <u>as conditioned</u>, the proposal meets the guideline.
60.05.40.4 Street Frontages and Parking Areas			
60.05.40.4	Landscape or other screening should be provided when surface parking areas are located along public streets. (Standard 60.05.20.4)	The applicant states that, "The five proposed parking spaces will be screened with landscaping as shown on the landscaping plan." The proposed parking spaces are approximately 25 feet from the Highway 217 frontage and over 100 feet from SW Canyon Road.	Yes, the proposal meets the guideline.
60.05.40.5 Parking Area Landscaping			
60.05.40.5	Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standards 60.05.20.5.A through D)	The applicant states that, "The landscaping plan includes trees along the perimeter of the fueling area..." The proposal includes replacement of multiple planter islands within the existing store parking lot to accommodate modifications to motor vehicle circulation patterns. Most of the proposed parking lot design and modifications limit or reduce the number of parking spaces in a row. The modification along the east side of the 115 th driveway includes a line of 19 parking spaces separated by an island <u>between 13 spaces and six spaces inclusive of a pedestrian connection with limited landscape and no tree. Yet, the proposed modifications result in new landscaped areas, including trees, that should minimize the visual impact of the parking area. If the alternative sidewalk plan is approved, the landscaping in this area will be reduced and parking islands should be introduced in a revised landscape plan. Along the eastern edge of the store property the proposal includes removal of parking spaces and a landscape island to facilitate placement of the underground fueling tanks. A condition of approval to provide a parking island south of the fuel</u>	<u>Yes, as conditioned, the proposal meets the guideline.</u>

		tanks is included.	
60.05.40.6 Off-Street Parking Frontages in Multiple Use Districts			
60.05.40.6.A	Surface parking should occur to the side or rear of buildings and should not occur at the corner of two Major Pedestrian Routes. (Standard 60.05.20.6)	The applicant states that, "The parking stalls north of the fuel center will be reconfigured upon Phase II to meet this guideline." The proposed parking is over 100 feet from SW Canyon Road, a Major Pedestrian Route.	Yes, the proposal meets the guideline.
60.05.40.6.B	Surface parking areas should not be the predominant design element along Major Pedestrian Routes and should be located on the site to safely and conveniently serve the intended users of the development, without precluding future site intensification. (Standard 60.05.20.6)	The applicant states that, "The parking stalls north of the fuel center will be reconfigured upon Phase II to meet this guideline." The proposed parking for the Phase I fuel center is over 100 feet from SW Canyon Road, a Major Pedestrian Route. The proposed Phase II development of the site will rely on pedestrian connections through Phase I in order to satisfy Phase II parking requirements. The auto-oriented use of Phase I draws motor vehicle traffic over the two primary pedestrian connections between Phase II's future building and probable shared parking area on the store site. These pedestrian connections are to be marked and raised, as conditioned.	Yes, as conditioned, the proposal meets the guideline.
60.05.40.7 Sidewalks along Streets and Primary Building Elevations in Multiple Use and Commercial districts			
60.05.40.7.A and B	Pedestrian connections designed for high levels of pedestrian activity should be provided along all streets... [and] along ...entrances. (Standards 60.05.20.7.A and B)	The applicant states that, "The fuel center site plan includes sidewalk extensions to the Fred Meyer store and SW Canyon Road to meet this guideline. Future development of Phase II will facilitate and enhance pedestrian activity on SW Canyon Road." The proposal includes internal pedestrian connections to the fuel center, store, and adjacent uses. The proposed fuel center does not propose a building as intended by this guideline.	Yes, the proposal meets the guideline.

60.05.40.8 Connect On-Site Buildings, Parking, and Other Improvements with Identifiable Streets and Drive Aisles in Residential, Multiple Use, and Commercial Districts			
60.05.40.8.A	On-Site vehicle circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks, and landscaping compared to parking lot aisles. (Standard 60.05.20.8)	The applicant states that, "The Phase I and Phase II site plans include designs for onsite vehicle circulation that include curbs, sidewalks, landscaping, and signage to define safe driving movements and directions of travel."	Yes, the proposal meets the guideline.
60.05.40.8.B	Long, continuous parking aisles should be avoided if possible, and landscaped as necessary to minimize the visual impact. (Standard 60.05.20.8)	<p>The applicant states that this guideline is, "Not applicable. Both phases of the project do not propose long continuous parking aisles."</p> <p>Most of the proposed parking lot design and modifications limit or reduce the number of parking spaces in a parking aisle. The modification along the east side of the 115th driveway includes a line of 19 parking spaces separated by an island <u>between 13 spaces and six spaces inclusive of a pedestrian connection with limited landscape and no tree.</u> Yet, the <u>proposed modifications result in new landscaped areas, including trees, that should minimize the visual impact of the parking area along 115th.</u> If the alternative sidewalk plan is approved, the <u>landscaping in this area will be reduced and parking islands should be introduced in a revised landscape plan.</u></p> <p><u>Along the eastern edge of the store property the proposal includes removal of parking spaces and an landscape island to facilitate placement of the underground fueling tanks. A condition of approval to provide a parking island south of the fuel tanks is included.</u></p>	<u>Yes, as conditioned, the proposal meets the guideline.</u>

Design Review Guidelines Analysis and Findings Chart
Section 60.05.45 Landscape, Open Space and Natural Areas Design Guidelines

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.45.3 Minimum Landscaping Requirements for conditional uses in Residential districts and for developments in Multiple-Use, Commercial, and Industrial zones.			
60.05.45.3.A	Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings. (Standards 60.05.25.3.A, B, and D)	The applicant states that, "Proposed landscaping has been designed to add aesthetic interest and soften the edges of the proposed structures." Generally, the <u>proposed</u> landscape plan includes a variety of plant material that should increase the attractiveness of the development. The proposed landscape plan <u>identifies</u> interim treatment of the area reserved for Phase II.	<u>Yes, as conditioned, the proposal meets the guideline.</u>
60.05.45.3.B	Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete. (Standard 60.05.25.3.C)	The applicant states that, "The fuel center does not propose a plaza or common area." This proposal does not include a pedestrian plaza, thus the criterion does not apply.	N / A
60.05.45.3.C	Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standards 60.05.25.3.A and B)	The applicant states that, "Vegetation proposed on site will consist of native varieties appropriate for the local climatic conditions." The applicant proposes to use a variety of plants, inclusive of some native varieties.	Yes, the proposal meets the guideline.
60.05.45.3.D	Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standards 60.05.25.3.A and B)	The applicant states that, "Existing street trees along Canyon Road and mature trees along the Highway 217 frontage will be retained. There are no other existing mature trees or vegetation located on site." The existing conditions plan depicts three trees within the fuel center site, two are multi-stemmed and the third is not noted as to size. The proposal also includes removal and replacement of landscape islands within the store parking lot, which will require the removal and replacement of landscape trees. The proposed circulation	Yes, the proposal meets the guideline.

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
		modifications and site grading do not allow for retention of all trees on site.	
60.05.45.3.E	A diversity of tree and shrub species should be provided in required landscaped areas. (Standard 60.05.25.3)	The applicant states that, "A significant diversity of trees, shrubs, and groundcover are proposed as part of the landscape design. ..." The proposed landscape plan includes a variety of plants trees and shrubs.	<u>Yes, the proposal meets the guideline.</u>
60.05.45.6 Retaining walls			
60.05.45.6	Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material. (Standard 60.05.25.8)	The applicant states that, "No retaining walls over 6' in height or greater than 50' long are propose as part of this project." No new retaining walls over six (6) feet in height or greater than fifty (50) feet in length are proposed, thus the criterion does not apply.	N / A
60.05.45.7 Fences and Walls			
60.05.45.7.A	Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.9)	The applicant states that, "No new fences or walls are proposed as part of this project." No new fences or walls are proposed, thus the criterion does not apply.	N / A
60.05.45.7.B	Fences and walls constructed in front yards adjacent to public streets should provide (Standard 60.05.25.9.E)	The applicant states that, "No new fences or walls are proposed, thus the criterion does not apply.	N / A
60.05.45.8 Changes to existing on-site surface contours at residential property lines			
60.05.45.8	The perimeters of properties should be graded in a manner to avoid conflicts with abutting residential properties... (Standard 60.05.25.7)	No residential property line abuts the subject parcels.	N / A
60.05.45.9 Integrate water quality, quantity, or both facilities			
60.05.45.9	Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design. (Standard 60.05.25.8)	The applicant states that, "Stormwater quality and quantity facilities will be located underground." The applicant is proposing to install new filter style catch basins and pipe underground to satisfy Clean Water Services and City requirements. No above-ground facilities are proposed.	N / A

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.45.11 Landscape Buffering and Screening			
60.05.45.11.A	A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. ... (Standard 60.05.25.13)	The subject parcel is zoned RC-E and is surrounded by other RC-E zoned parcels and Highway 217. No residential land uses are adjacent to the subject parcels; therefore, the criterion does not apply.	N / A
60.05.45.11.B	... When potential conflicts of uses are not as great, such as a commercial use abutting an industrial use, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.13)	The subject parcel is zoned RC-E and is surrounded by other RC-E zoned parcels and Highway 217; therefore, the criterion does not apply.	N / A
60.05.45.11.C	Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas ... (Standard 60.05.25.13)	The subject parcel is zoned RC-E and is surrounded by other RC-E zoned parcels and Highway 217, thereby not requiring landscape buffering; therefore, the criterion does not apply.	N / A
60.05.45.11.D	When changes to buffer widths and buffer standards are proposed, ... (Standard 60.05.25.13.E)	The proposal does not require a buffer; therefore the criterion does not apply.	N / A

Design Review Guidelines Analysis and Findings Chart
Section 60.05.50 Lighting Design Guidelines

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.50 Adequate on-site lighting and minimize glare on adjoining properties			
60.05.50.1	Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standards 60.05.30.1 and 2)	The applicant states that, "A site specific Photometric Plan has been prepared by a Certified Lighting Engineer to maximize on-site safety while limiting off-site impacts created by the proposed lighting in accordance with the City's Technical Lighting Standards for location, glare reduction and luminescence."	Yes, the proposal meets the guideline.

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE?
60.05.50.2	Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)	The applicant states that, "All proposed lighting will consist of similar poles and fixtures and be located to direct lighting where most appropriate for pedestrians and improved safety."	Yes, the proposal meets the guideline.
60.05.50.3	Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standard 60.05.30.1 and 2)	The applicant states that, "Freestanding lighting will be shielded to minimize glare. Lighting fixtures beneath the canopy will be fully recessed and contain lenses designed to contain lighting within the fueling area." The proposal presents shielding standards to satisfy the City of Corvallis Land Development Code.	Yes, as conditioned, the proposal meets the guideline.
60.05.50.4	On-site lighting should comply with the City's Technical Lighting Standards. (Standard 60.05.30.1 and 2)	The applicant states that, "On site lighting has been designed to comply with all of the provisions outlined in the City's Technical Lighting Standards." <u>The proposed Photometric Plan presents a design that limits lighting output to at or less than 0.5 foot candles at the property line as limited per the table in Section 60.05-1, Technical Lighting Standards.</u>	<u>Yes, the proposal meets the guideline.</u>

Evaluation of Design Guidelines identified above

In considering findings for a guideline, the decision making authority is instructed to make findings on how the guidelines are met or if they apply to the proposal (40.20.05 – Purpose). Section 40.20.05 of the Code also describes the intent of the guideline, where it states that guidelines "...are intended to allow more flexibility and originality." Section 40.20.05 further states that "Design Guidelines are also intended to recognize unique circumstances where corresponding standards are found to be unnecessary or undesirable. Where Design Guidelines apply, the project proponent will simply be required to demonstrate how the project meets these Guidelines at a public hearing."

Staff finds that the applicant has not provided sufficient evidence to show how the Phase I plan proposal meets or can be conditioned to meet the applicable Design Standards and Guidelines (identified in the table summary above). Phase II of the development has not demonstrated how all applicable Design Standards and Guidelines will be met due to the absence of plans for the City to

consider. It is understood that any future development would be required at the time of development proposal to demonstrate such compliance with the Design Standards and Guidelines in effect at that time. In accordance with the direction provided under 40.20.05, the applicant has the opportunity at the public hearing to demonstrate how the project meets these Guidelines.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **DENIAL of DR2013-0040 (Canyon Fred Meyer Fuel Center)** based on the findings prepared in response to Facilities Review approval criteria contained in Sections 40.03.C., D., F., and G, and Design Review approval criteria contained in Section 40.20.15.3.C.5.

Recommended Conditions of Approval
Canyon Fred Meyer Fuel Center
LD2013-0004

If the City Planning Commission approves the proposed Replat Two for the Canyon Fred Meyer Fuel Center, the Facilities Review Committee recommends that the decision-making authority adopt the following conditions of approval:

1. Final decision shall expire automatically two (2) years from the effective date of decision unless the approval is enacted either through construction or establishment of use within the two (2) year time period. (Planning/LC)

A. Prior to approval of the preliminary plat, the applicant shall:

2. Show granting of any required on-site easements on the single lot partition plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing and proposed site improvements. (Site Development Div./JJD)
3. Demonstrate all lots meet ordinance standards for lot size, dimension and frontage. The final plat shall be fully dimensioned and indicate the square footage of the lot. (Planning Division/LC)
4. Pay all City liens, taxes and assessments or apportion to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures. (Planning Division/LC)
5. Identify all improvements within tracts and public rights-of-ways and specify the maintenance responsibilities of those improvements. (Planning Division/LC)

B. Prior to final inspection of any building permit or occupancy permit issuance, the applicant shall:

6. Provide a final draft of the Covenant, Code, and Restriction (CC&R) to establish future shared use of property with approved language agreeable to all affected property owners and the City Attorney.

Recommended Conditions of Approval

Canyon Fred Meyer Fuel Center DR2013-0040

If the City Planning Commission approves the proposed Design Review Build-out Concept Plan for Canyon Fred Meyer Fuel Center, the Facilities Review Committee recommends that the decision-making authority adopt the following conditions of approval:

1. Final decision shall expire automatically two (2) years from the effective date of decision unless the approval is enacted either through construction or establishment of use within the two (2) year time period. (Planning/LC)
2. A Land Division Application shall be approved in order to accommodate the proposed site improvements. (Planning/LC)

A. Prior to any site work commencing and issuance of the site development permit, the applicant shall:

3. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
4. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
5. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
6. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality) facilities, private streets, and fire/emergency access paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
7. Submit a City standard easement for the proposed public storm sewer extension across Parcel 1 of Partition Plat 1998-162, owner-executed and ready for recording in Washington County land records, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
8. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for work within, and/or construction access to Highway 217 or Canyon Road as applicable. (Site Development Div./JJD)

9. Submit a final geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. The report shall include an assessment of the soil and any toxic contaminants; ground/surface water issues, any needed clean-up action, remediation methods, Oregon Department of Environmental Quality requirements, disposal regulations, and worker safety measures. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules of the Oregon Department of Environmental Quality (DEQ). (Site Development Div./JJD)
10. Submit a letter of "no further action" (NFA) or other documentation specifically recognizing the proposed construction activities from the Oregon DEQ (Case File #34-92-0180). (Site Development Div./JJD)
11. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
12. Fire Apparatus Access Road Distance from buildings and Turnarounds: Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1) (TVF&R/JF)
13. Surface and Load Capacities: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1) (TVF&R/JF)
14. Turning Radius: The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & 103.3) (TVF&R/JF)
15. Fire Hydrants – Commercial Buildings: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system. (OFC 507.5.1) (TVF&R/JF)
16. Fire Hydrant Distance from an Access Road: Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC C102.1) (TVF&R/JF)
17. Angle of Approach and Departure: The angles of approach and departure for fire apparatus roads shall not exceed 8 Degrees. (OFC 503.2.8, NFPA 1901) (TVF&R/JF)
18. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)

19. Provide a detailed drainage analysis of the subject site and all tributary areas and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. (Site Development Div./JJD)
20. Provide plans that show any drain inlets under the covered fueling and service facilities are piped to the sanitary sewer system via an API or CPS-type oil/water separator as approved by the City Building Official. The flow from the roof (canopy cover) of the fueling and service facility shall be piped to the approved storm water system. To prevent spills from entering the sanitary sewer system, an automatic or manual shut-off valve shall be installed in the fueling/service area discharge line prior to the connection with the public sanitary sewer. The areas immediately adjacent to the fueling/service area where precipitation may fall, track, or be blown under the cover shall be reverse-graded, trench drained, or bermed from other portions of the facility to minimize the amount of stormwater being transported beneath the cover. The cover must have a minimum overhang of 5 feet on each side. The cover overhang is to be measured relative to a berm, trench drain, or pavement grade break that separates the vehicle fueling/service area outside the covered area from that under the covered area. (Site Development Div./JJD)
21. Provide construction plans that show how each affected lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)
22. Provide final construction plans and a final drainage report demonstrating compliance with CWS Resolution and Order 2007-020 in regard to redevelopment water quality treatment (see Table 4-1), through installation of Contech Inc., Stormfilter catch basin systems. Treatment shall be provided at a minimum equivalent of 3.0 cartridges per tributary impervious acre as generally outlined in the preliminary drainage report dated April 17, 2013. (Site Development Div./JJD)
23. Submit owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreements, one for each applicable parcel, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD)
24. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total on the site. Specific types of impervious area totals, in square feet, shall be given for buildings, parking lots/driveways, sidewalk/pedestrian areas, storage areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area. (Site Development Div./JJD)
25. Pay a storm water system development charges (overall system conveyance and quantity) for any net new impervious area proposed. (Site Development Div./JJD)

26. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No utility service lines to the building, lot lighting, and structures shall remain overhead on site; all utilities must be provided underground. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
27. Submit a revised plan that shows extension of the existing left turn lane queue storage approach to SW 115th Avenue from 140' to between 225' and 250', including the standard deceleration distance. The final queue storage approach distance shall be determined by City staff in consultation with ODOT staff during site development permit review. (Transportation/LP,SB)
28. An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way. A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:
- a. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
 - b. The improvements create an increase of the impervious surface area greater than 10,758 square feet.
- (Transportation/LP,SB)
29. An ODOT Permit must be obtained for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An intergovernmental agreement (IGA) is required for agreements involving local governments and a cooperative improvement agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements. (Transportation/LP, SB)
30. Ensure that all associated applications, including Design Review and Land Division, have been approved and are consistent with the submitted plans. (Planning/LC)
31. Ensure that parking needs for future Phases can be provided at a level required by the Code in effect at the time of a future proposal. (Planning/LC)
32. Ensure that internal pedestrian connections are provided with appropriate demarcation that differentiates these areas for pedestrians and motor vehicle operators, as well as employees delivering solid waste to the compactors. (Planning/LC)
33. Provide a site plan that depicts a parking island along the eastern property line between the underground fueling tanks and the remaining parking spaces similar to the standard of Section 60.05.02.5 or 60.05.40.5 and 60.05.02.8 or 60.05.40.8. (Planning/LC)
34. Ensure that improvements associated with Phase I will not precluded future Phases from satisfying applicable Design Review Standard or Guideline provisions of the Development Code in effect at the time of a future proposal. (Planning/LC)

B. Prior to building permit issuance, the applicant shall:

35. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
36. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
37. The proposed project shall comply with the State of Oregon Building Code in effect as of date of application for the building permit. This currently includes the following: The 2009 edition of the International Building Code as published by the International Code Conference and amended by the State of Oregon (OSSC); The 2009 edition of the International Residential Code as published by the International Code Conference and amended by the State of Oregon (ORSC); 2009 International Mechanical Code as published by the International Code Council and amended by the State of Oregon (OMSC); the 2009 edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and amended by the State of Oregon (OPSC); the 2011 edition of the National Electrical Code as published by the National Fire Protection Association and amended by the State of Oregon; and the 2009 International Fire Code as published by the International Code Council and amended by Tualatin Valley Fire and Rescue (IFC). (Building Div./BR)
38. Applications for plan review must include the information outlined in the Tri-County Commercial Application Checklist. This form is available at the Building Division counter or may be printed from the Forms/Fee Center at www.beavertonoregon.gov. Incomplete applications will not be accepted. (City policy) (Building Div./BR)
39. The City offers phased permits, for foundation/slabs, structural frame, shell and interior build-out (TI). An applicant desiring to phase any portion of the project must complete the Tri-County Commercial Phased Project Matrix or each phased portion. This form is available at the Building Division counter or may be printed from the Forms/Fee Center at www.beavertonoregon.gov Note: Except private site utilities (potable water, sanitary and storm sewer lines), Excavation and Shoring, Site Utilities and Grading are not permits issued by the Building Division and therefore are not part of the City's phased permit process. (Building Div./BR)
40. Plan submittals may be deferred as outlined in the Tri-County Deferred Submittals list. Each deferred submittal shall be identified on the building plans. This list is available at the Building Division counter or may be printed from the Forms/Fee Center at www.beavertonoregon.gov. Permit applicants are responsible for ensuring that deferred plan review items listed on the plans are submitted for approval well in advance of the need to begin work on that portion of the project (anticipate a minimum of three weeks plan review turnaround time for tenant improvement and six weeks plan review turnaround for new construction projects). No work on any of the deferred items shall begin prior to the plans being submitted, reviewed and approved. (Building Div./BR)
41. Unless they are identified as a deferred submittal on the plans, building permits will not be issued until all related plans and permits have been reviewed, approved, and issued (i.e., mechanical, plumbing, electrical, fire sprinkler systems, fire alarm systems, etc. (City policy) (Building Div./BR)

42. Projects involving new buildings and additions are subject to System Development fees. A list of the applicable fees is available at the Building Division counter or may be printed from the Forms/Fee Center at www.beavertonoregon.gov. (Building Div./BR)
43. The building code plans review can run concurrent with the Design Review (DR) and site development review. (Building Div./BR)
44. Applications/plans for building permit/plan review can be submitted at any time during the entitlement process; however, permits cannot be issued until applicable approvals (Planning, Site Development, etc...) have been received. (Building Div./BR)
45. A separate plumbing permit is required for installation of private on-site utilities (i.e., sanitary sewer, storm sewer, water service, catch basins, etc. If the applicant desires to install those types of private utilities during the same period as the "Site Development" work, a separate plumbing application must be submitted to the Building Services Division for approval. (Building Div./BR)
46. Applicant shall provide architectural plans for the fuel center kiosk, canopy, and columns to satisfy Development Code Section Standard 60.05.15.4 or 60.05.35.4.

C. Prior to final inspection of any building permit or occupancy permit issuance, the applicant shall:

47. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
48. Submitted proof of recording of the single lot partition plat consolidating the affected areas with the Washington County Surveyor and land records. (Site Development Div./JJD)
49. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
50. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
51. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
52. Have obtained a Source Control Permit (AKA Industrial Sewage Permit) from the Clean Water Services District and submitted a copy to the City Building Official if such a permit is required, as determined by CWS. (Site Development Div./JJD)
53. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning / LC)
54. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making

authority in conditions of approval. (On file at City Hall). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning / LC)

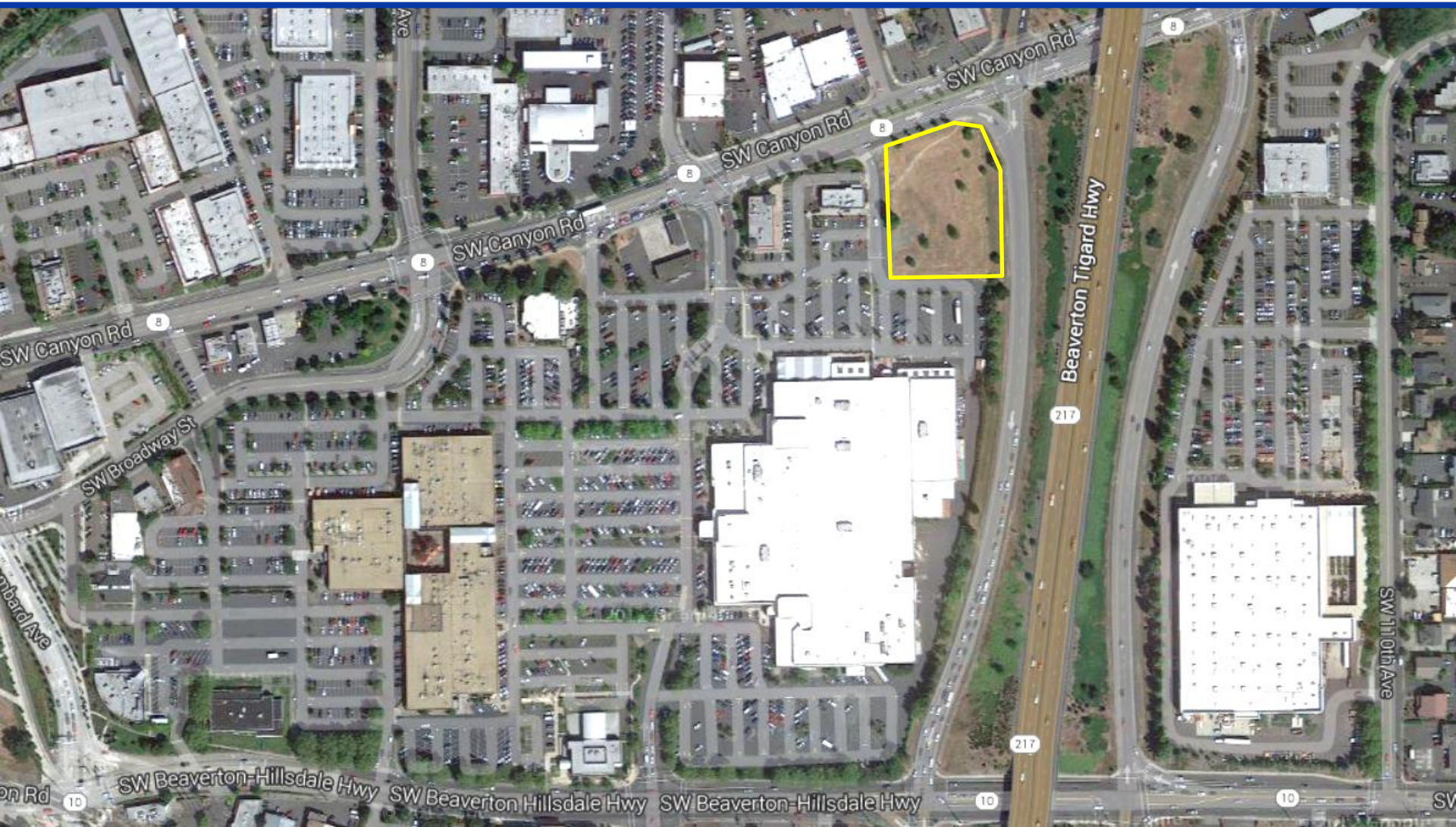
55. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit C", except as modified by the decision making authority in conditions of approval. (On file at City Hall). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning / LC)
56. Ensure all landscaping approved by the decision making authority is installed. (Planning / LC)
57. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning / LC)
58. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Trees shall have a minimum caliper of 1-1/2 inches. Trees planted within the landscape buffer shall have a minimum height of 6 feet at the time of planting. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Planning / LC)
59. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (Planning / LC)
60. Ensure all required bicycle parking facilities are provided and installed. (Planning / LC)
61. Provide proof of recordation of a Covenant, Code, and Restriction (CC&R) with Washington County Department of Assessment and Taxation to establish future shared use of property. The approved language in the CC&R documents shall be agreeable to all subject property owners and the City Attorney. (Planning/LC)

E. Prior to release of performance security, the applicant shall:

62. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
63. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations and a pre-paid service contract for a two year period from the date of performance acceptance for the proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. (Site Development Div./JJD)

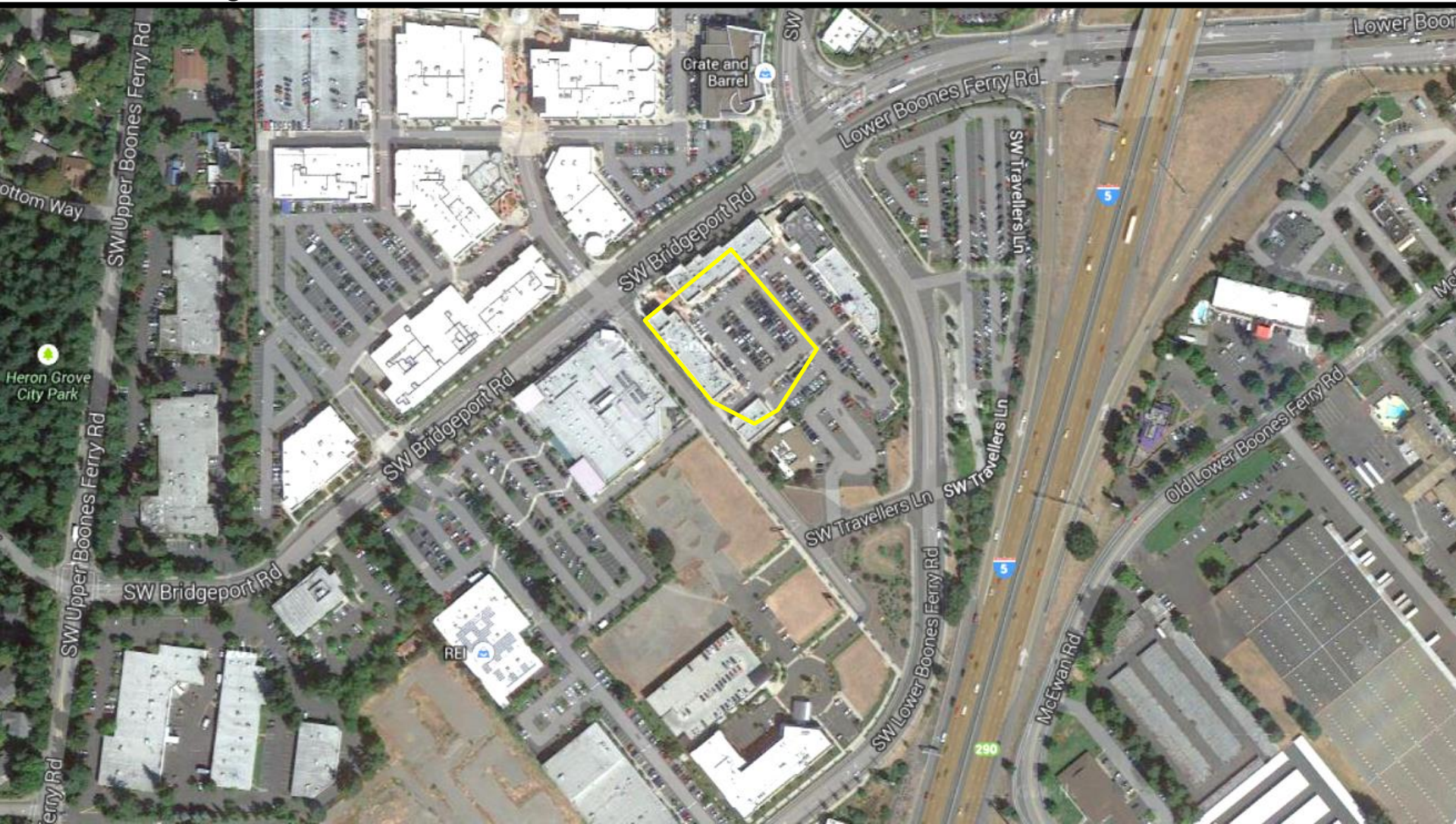
DR2013-0040, Canyon Fred Meyer Fuel Center – Similar Site Examples

Proposal Site
Beaverton, Oregon



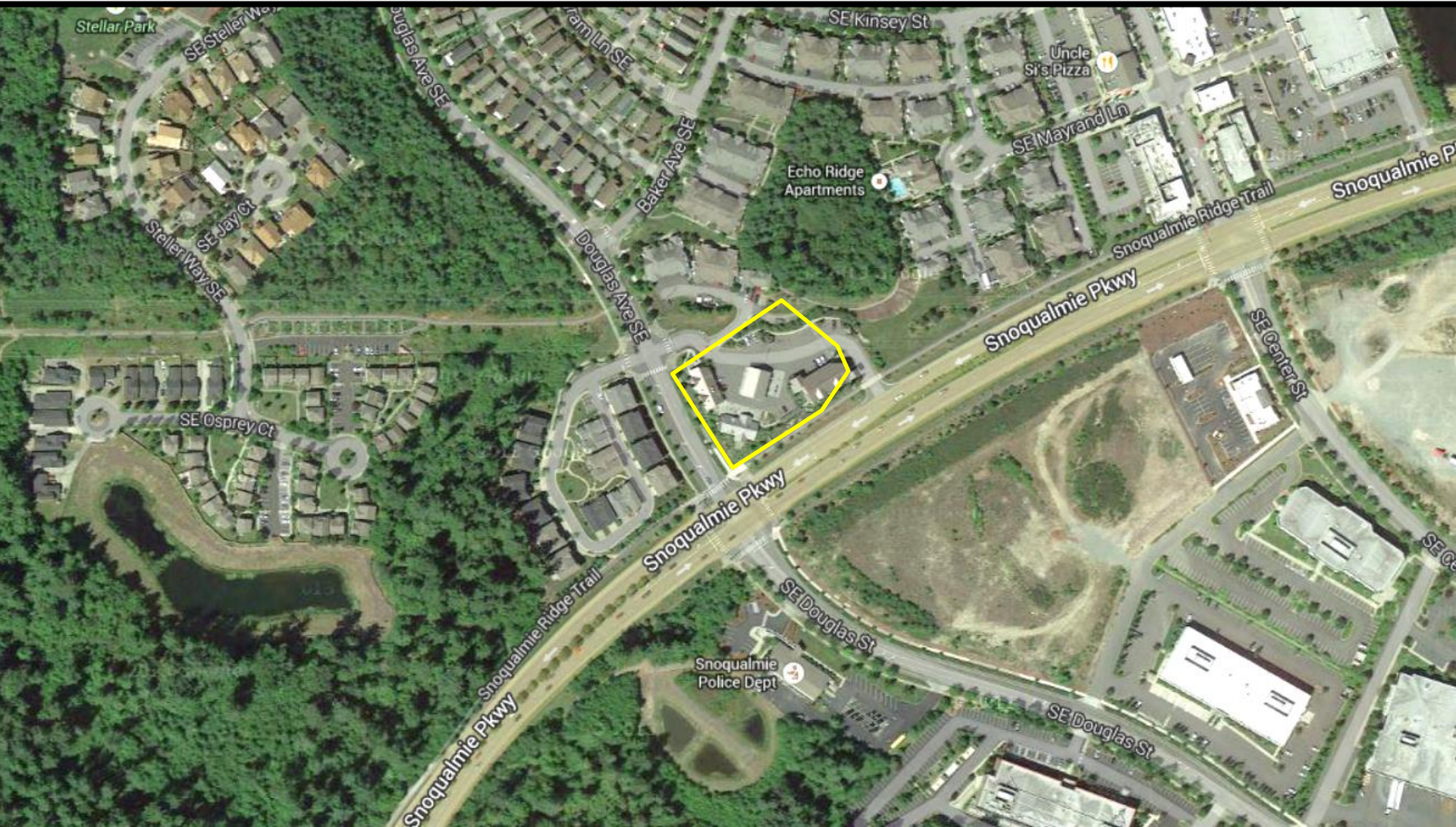
DR2013-0040, Canyon Fred Meyer Fuel Center – Similar Site Examples

South Bridgeport Village Retail/Office
Tualatin, Oregon



DR2013-0040, Canyon Fred Meyer Fuel Center – Similar Site Examples

Retail, Office, and Fuel
Snoqualmie, Washington



DR2013-0040, Canyon Fred Meyer Fuel Center – Similar Site Examples

Fred Meyer Fuel Center and Retail/Office Building
Puyallup, Washington

